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UNITED STATES GOVERNMENT

THROUGH

The dept. of the interior

26 May, 1896



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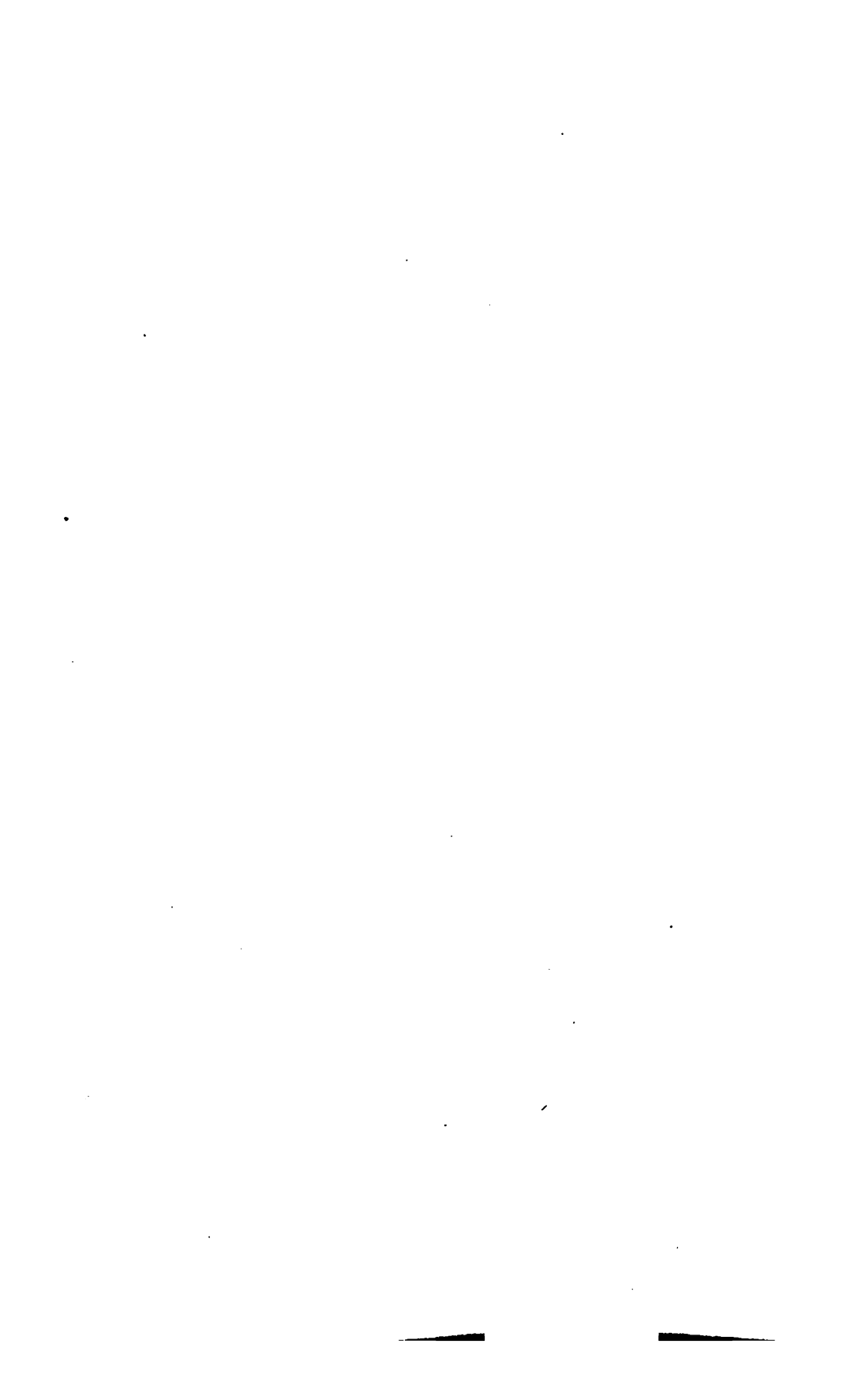
UNITED STATES GOVERNMENT

THROUGH

The dept. of the interior

26 May, 1896





FORMS OF PROCEDURE

FOR

GENERAL AND SUMMARY COURTS-MARTIAL,
COURTS OF INQUIRY, INVESTIGATIONS,
NAVAL AND MARINE EXAMINING
AND RETIRING BOARDS.

Henry
CHARLES H. LAUCHHEIMER,
FIRST LIEUTENANT, U. S. MARINE CORPS.

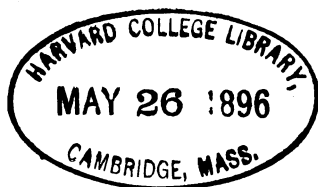
COMPILED AND ARRANGED UNDER
THE DIRECTION OF
CAPTAIN SAM. C. LEMLY,
JUDGE-ADVOCATE GENERAL, U. S. NAVY.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1896.

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From the
Dept. of the Interior.

The within forms of procedure for General and Summary Courts-Martial, Courts of Inquiry, Investigations, Naval and Marine Examining and Retiring Boards have been compiled from the numerous cases on file in the office of the Judge-Advocate General of the Navy, and are intended to assist those who may be called upon to perform duty in connection with courts or boards. It is not obligatory that the phraseology used in these forms be strictly followed, but the procedure should be so followed, as it has received the Department's approval, and a deviation therefrom may prove a fatal error.

C. H. L.

OFFICE OF JUDGE-ADVOCATE GENERAL,

Navy Department, November 6, 1895.



GENERAL COURTS-MARTIAL.

Incidents of a Trial by General Court-Martial.

1. Court meets.
2. Accused introduced.
3. Stenographer introduced.
4. Does accused desire counsel, and if yea, counsel introduced.
5. Precept and other documents relating to organization read.
6. Challenge of members.
7. Judge advocate sworn by senior member.
8. Members sworn by judge advocate.
9. Stenographer sworn by judge advocate.
10. Has accused received copy of charges and specifications?
11. Court cleared to examine charges and specifications.
12. Court opened : court's decision announced by president.
13. Accused asked if he is ready for trial (motions, etc.).
14. Charges and specifications read.
15. Arraignment (pleas, etc.).
16. Prosecution begins.
17. Prosecution ends.
18. Defense begins.
19. Defense ends.
20. Rebuttal.
21. Statements or arguments.
22. Trial finished.
23. Court cleared for deliberation on finding.
24. Judge advocate called before court to record finding.
25. Court opened to receive evidence of previous convictions.
26. Court cleared for deliberation on sentence.
27. Judge advocate called before court to record sentence.
28. Court opened.
29. Adjournment.

CASE OF
LIEUTENANT I. H. G——,
U. S. Navy.
NAVY YARD, NEW YORK,
February 10, 1895.

Proceedings of a General Court-Martial convened at the Navy
Yard, New York, by order of the Secretary of the Navy.

VARIATION. On board the U. S. S. —— off Boston, Mass., by order
of Rear-Admiral —— ——, U. S. N., Commander in Chief U. S.
Naval Force on N. A. Station.

RECORD

OF THE

PROCEEDINGS OF A GENERAL COURT-MARTIAL

Convened at the navy yard, New York (on board the U. S. S. ———), by virtue of a precept signed by the Secretary of the Navy (or ——— ———, commander in chief, U. S. naval force on ——— station), a certified copy of which is appended, marked “—.”

FIRST DAY.

NAVY YARD, NEW YORK,
(U. S. S. ——— off ———),
12 m. Friday, ———, 1895.

The court met pursuant to the above-mentioned order.

Present:

Captain A. B. C U. S. Navy,
Commander D. E. F U. S. Navy,
Captain G. H. I U. S. Marine Corps,
Lieutenant K. L. M U. S. Navy,
Lieutenant N. O. P U. S. Navy,
First Lieutenant Q. R. S U. S. Marine Corps,
Lieutenant T. U. V U. S. Navy, members;
And First Lieutenant X. Y. Z., U. S. Marine Corps, judge advocate.

VARIATION 1. The court met pursuant to the adjournment of yesterday (Thursday), and proceeded with the trial of ——— ———.
Present, etc.

VAR. 2. The court having finished the trial of ——— ———, proceeded with that of ——— ———.
Present, etc.

First Lieutenant C. B. A——, U. S. Marine Corps, reported in obedience to an order from the commandant of the navy yard, New York (commander in chief), and was appointed provost marshal of the court.

F. E. D——, clerk (stenographer) (interpreter), was admitted to the court.

The accused, Lieutenant I. H. G——, U. S. Navy, appeared before the court, and in reply to a question by the judge advocate

asked and received permission to have Lieutenant L. K. J——, U. S. Navy, act as his counsel, and that officer was called and took his seat as such.

VAR. 1. The court received a communication from the accused, Lieutenant I. H. G——, stating that he was unable to appear, because (here state reason). It was read and appended, marked “—.” The court adjourned until 10 a. m. to-morrow the — inst., or, if deemed advisable: The court informed the convening authority by letter of Lieutenant I. H. G——’s absence, enclosing a copy of his communication, and adjourned until 10 a. m. to-morrow, the — inst.

VAR. 2. * * * and upon being asked said that he did not desire counsel.

VAR. 3. * * * and upon being asked requested to have L. K. J—— act as his counsel. At the request of a member the court was cleared. When opened, the judge advocate and the accused entered and the president announced that L. K. J—— could not act as counsel because (here state reason), but that the accused could select some other person.

(Should the judge advocate require counsel.) The judge advocate read (certified copy appended, marked “—”) the appointment by the Attorney General of Mr. O. N. M—— to act as counsel to assist the judge advocate, and he appeared and took his seat as such.

VAR. The judge advocate read an order from the convening authority, the original (a certified copy) of which is appended, marked “—,” directing Lieutenant R. Q. P——, U. S. Navy, to act as counsel to assist the judge advocate, and he appeared and took his seat as such.

The precept, a certified copy of which is appended, marked “—,” was read to the accused by the judge advocate.

VAR. (In case any member or members are absent, add) and the medical certificate (detachment, etc.) in the case of ———, certified copy (original) of which is appended, marked “—,” or, and the letter from ——— explaining his absence is appended, marked “—.”

The accused was asked if he objected to any member present, and replied that he did not.

VAR. * * * and submitted the following objection. (Here insert the objection.)

The challenged member stated in reply to the objection * * * (or, did not desire to make a reply).

The court was cleared. The challenged member also retired.

The doors being opened, the judge advocate, the accused, his counsel, and the challenged member entered. It was announced by the president that the objection of the accused is sustained, and that D. E. F—— is excused from serving as a member in this case; or,

It was announced that the objection of the accused is not sustained.

(Should the accused wish to examine the challenged member on his *voir dire*.) The accused having requested that the challenged member be examined on his *voir dire*, he (the challenged member) was duly sworn by the judge advocate, in the presence of the accused:

You, A. B——, do swear (or affirm) that you will true answer make to questions put to you, touching your competency to serve as a member in this case: So help you God (or, this you do under the pains and penalties of perjury).

(Examination same as as hereinafter given for the defense.)

(Should the accused wish to introduce testimony in support of his challenge.) ——— appeared as a witness for the accused, and was duly sworn by the judge advocate in the presence of the accused, and testified as follows: * * *

(Same oath administered as to a witness. See page 14.)

The accused did not object to any other member.

VAR. *a*. The accused next objected to ——— (same as before).

The judge advocate objected to ———.

(Same procedure as in challenge by the accused, except that the testimony is taken as hereinafter given for the prosecution.)

The judge advocate did not object to any other member.

VAR. *b*. The judge advocate next objected to ———.

The judge advocate was duly sworn by the president, and the members were severally duly sworn by the judge advocate; all of which oaths were administered according to law, and in the presence of the accused.

Oath administered to the judge advocate:

You, A. B——, do swear (or affirm) that you will keep a true record of the evidence given to, and the proceedings of, this court; that you will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that you will not, at any time, divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law.

Oath administered to the members:

You, A. B——, do swear (or affirm) that you will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the Rules for the Government of the Navy, and your own conscience; that you will not, by any means, divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that you will not, at any time, divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law.

The judge advocate read aloud a letter from the convening authority authorizing him to employ a stenographer (interpreter) and asked permission of the court to introduce A. B—— as stenographer (interpreter), which being granted, A. B—— was duly

sworn by the judge advocate, in accordance with U. S. Navy Regulations, and took his seat as stenographer (interpreter) of the court. Original (certified copy) of above letter hereto appended, marked “—.”

Oath administered to the stenographer:

You, A. B—, swear (or affirm) faithfully to perform the duty of clerk or reporter in aiding the judge advocate to take and record the proceedings of the court, either in shorthand or ordinary manuscript.

Oath administered to the interpreter:

You, A. B—, swear (or affirm) faithfully and truly to interpret or translate in all cases in which you shall be required so to do between the United States and the accused.

In reply to an inquiry by the judge advocate, the accused stated that he had received a copy of the charges and specifications preferred against him (here state when).

The court was cleared to examine the charges and specifications (original appended, marked “—”) and to consider all matters preliminary to the trial. The doors being opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the court found the specifications in due form and technically correct.

NOTE.—In case the judge advocate should note any technical or other errors in the specifications, he will before withdrawing bring them to the attention of the court, and make a note thereof on the record. The judge advocate may, with the approval of the court, correct manifest clerical errors in the charges and specifications, without referring the matter to the convening authority.

VAR. The doors being opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the court had sent a communication to the convening authority (certified copy appended, marked “—”) and would await a reply. The court adjourned (took a recess) until ———.

The court met pursuant to adjournment (reassembled at the expiration of the recess). Present: (See form hereinafter, page 16.)

The charges and specifications having been returned to the court, it was cleared to examine them.

The doors being opened, the judge advocate, the stenographer, the accused and his counsel entered; the judge advocate was directed to correct the copy of the charges and specifications in the possession of the accused, so as to correspond with those just received from the convening authority (with those corrected by direction of the convening authority); or,

It was announced that the court would proceed with the trial on the charges and specifications as originally received; the letter from the convening authority on the subject is appended, marked “—.”

In reply to an inquiry by the judge advocate the accused said that he was ready for trial.

VAR. 1. The judge advocate requested a postponement of the trial (here state reason).

The court was cleared. When opened the judge advocate, the stenographer, the accused and his counsel entered.

The court adjourned to meet to-morrow at — o'clock. Or: ——— entered, and it was announced by the president that the court had decided to proceed with the trial.

VAR. 2. The judge advocate having asked the accused if he was ready for trial, the latter requested a postponement (here state reason). The court was cleared, etc. (same as when requested by the judge advocate).

All witnesses were directed to withdraw.

The judge advocate read aloud in the presence of the accused the charges and specifications of charges preferred against him, and arraigned the accused, as follows:

Q. Lieutenant I. H. G——, you have heard the charges and specifications of charges preferred against you, how say you, to the first specification of the first charge, guilty or not guilty?

A. Not guilty (guilty); or: the accused stood mute.

Q. To the second specification of the first charge, guilty or not guilty?

A. * * *

Q. To the first charge, guilty or not guilty?

A. * * *

Q. To the specification of the second charge, guilty or not guilty?

A. * * *

Q. To the second charge, guilty or not guilty?

A. * * * etc.

NOTE.—When the accused stands mute upon being arraigned, the president will direct the judge advocate to proceed as though the accused had pleaded “not guilty.”

VAR. 1. The accused pleaded in bar of trial, saying (here give plea if verbal), or, * * * and submitted a written plea, which was read by him (his counsel) (the judge advocate), appended, marked “—.”

The judge advocate asked the accused if he had any testimony to introduce in support of his plea. He replied in the affirmative (negative).

U. T. S—— appeared as a witness on behalf of the accused in support of his plea and was duly sworn by the president, in the presence of the accused. (The testimony is taken in the same manner as is hereinafter given for the defense, and the judge advocate may introduce evidence to rebut, which is taken in the same manner as is hereinafter given for the prosecution; arguments may then be made as at the end of the trial, the accused having the opening and closing argument.)

[(If no testimony is introduced, but the accused (counsel) wishes to submit a written (oral) argument in support of his plea.) The accused (counsel) (judge advocate) read an argument in support of plea by accused, original appended, marked “—;” or, the accused (counsel) stated in support of his plea: (here insert argument, if oral).]

The judge advocate replied: (here give reply); or, the judge advocate read his reply, original appended, marked “—:” or, the judge advocate did not desire to reply; or, the judge advocate requested until ———, in order to prepare his reply, whereupon the court adjourned (took a recess) until ———.]

The court was cleared. When opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the court overruled the plea, and the judge advocate asked the accused if he had any further plea in bar to offer. He replied in the affirmative and (same as before). or, he replied in the negative, and the judge advocate again arraigned the accused.

Q. (Same as before). Or,

When opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the court decided the plea by the accused to be “valid.”

The president thereupon addressed a communication to the convening authority transmitting an extract from the proceedings of the court and informing him that the accused had submitted a plea in bar (state plea), which the court had decided was a valid one. Copy of said communication appended, marked “—.”

VAR. a. If the accused pleads guilty, he must be cautioned by the president that if he persists in his plea of guilty, he thereby deprives himself of the benefit of a regular defense and can not call witnesses except as to previous good character, or introduce evidence except in extenuation of his conduct.

The accused persisted in his plea.

VAR. b. The accused withdrew his plea of guilty, and was arraigned as follows: * * *

VAR. 2. When two or more persons are tried in joinder, they should be separately arraigned, and the questions and answers constituting each arraignment should be separately recorded.

The prosecution began here.

W. V. U——, U. S. Navy, appeared as a witness for the prosecution, and was duly sworn by the president in the presence of the accused.

Oath administered to the witnesses:

You, A. B——, do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges: So help you God (or, this you do under the pains and penalties of perjury).

Examined by the judge advocate:

1. Question. What is your name, rank, and present station?

Answer. * * *

2. Q. Do you recognize the accused, if so, as whom?

A. * * *

3. Q. * * *

A. * * * etc.

VAR. This question was objected to by the accused (a member) on the ground (here state reason).

The judge advocate replied (here state reply).

The court was cleared. When opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the objection by the accused (a member) was sustained. Or, ———— announced that the court overruled the objection by the accused (a member).

Q. * * *

A. (If objection is overruled).

Cross-examined by the accused:

3. Q. * * *

A. * * * etc.

Reexamined by the judge advocate:

37. Q. * * *

A. * * * etc.

Re-cross-examined by the accused:

45. Q. * * *

A. * * *

Examined by the court:

51. Q. * * *

A. * * *

53. Question by a member: * * *

This question was objected to by the accused (judge advocate) on the ground (here state reason).

The court was cleared. When opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced by the president that the court sustained the objection of the accused (judge advocate).

Or, * * *, and it was announced that the court overruled the objection by the accused (judge advocate) when it becomes:

53. Question by the court: * * *

A. * * *

NOTE.—All questions originating with members, and which have been received, are recorded as “by the court,” but when made the subject of discussion and rejected, they are recorded as “by a member.”

There being no further questions to ask this witness, his testimony was read aloud to him and by him pronounced to be correct, and having been cautioned by the president not to discuss matters pertaining to the trial, he withdrew.

VAR. 1. * * * read, and corrected by him as follows:

Page —, answer to question No. —, the words * * * to be * * *, and the testimony thus amended was read and pronounced by him to be correct, and after having been cautioned by the president, etc. (same as before).

VAR. 2. The judge advocate requested that the testimony given by the witness be not read to him by the stenographer, but that he be directed

to report to-morrow morning at — o'clock and be called before the court during the reading of so much of the record as contains his testimony and that an opportunity be then given him to amend same or pronounce it correct. The request was granted and the witness was instructed accordingly; whereupon he withdrew, after being cautioned by the president not to discuss matters pertaining to the trial.

VAR. 3. The judge advocate requested that the testimony given by the witness be not read to him by the stenographer, but that he be directed to report to-morrow morning at — o'clock, when he will be furnished with so much of the record as contains his testimony and asked to withdraw for the consideration of the same, upon the completion of which he will be again called before the court and be given an opportunity to amend his testimony as recorded, or pronounce it correct. The request was granted and the witness was instructed accordingly; whereupon he withdrew, after being cautioned by the president not to discuss matters pertaining to the trial.

The court took a recess until — p. m.

The court reassembled at the expiration of the recess. Present: All the members, the judge advocate, the stenographer, the accused and his counsel.

VAR. 1. The court adjourned to meet to-morrow, Saturday (if Saturday, to meet Monday), at — o'clock a. m.

VAR. 2. The judge advocate stated that ———, a material witness, had not appeared, and requested the court to adjourn until to-morrow morning. The court adjourned to meet, etc.

SECOND DAY.

NAVY YARD, NEW YORK,

— a. m., Saturday, ———, 1895.

The court met pursuant to adjournment of yesterday (Friday). Present: All the members, the judge advocate, the stenographer, the accused and his counsel. All witnesses were directed to withdraw. The record of proceedings of yesterday, the first day of the trial, was read and approved.

VAR. 1. * * * Present: All the members except ———, who is absent on account of illness; the medical certificate in his case was read, and appended, marked "—." The judge advocate, the stenographer, the accused and his counsel were present.

VAR. 2. * * * Present: All the members, the judge advocate, the stenographer, the accused and his counsel. Lieutenant K. L. M——, U. S. Navy, who was absent yesterday when the court was organized, appeared and stated (here give statement).

The court accepted the explanation of the absent member.

The accused was asked if he objected to this member of the court and he replied that he did not.

(Should he object, proceed as under challenge.)

Lieutenant K. L. M——, U. S. Navy, was duly sworn by the judge advocate, in the presence of the accused.

All witnesses were directed to withdraw.

The record of proceedings of yesterday, the first day of the trial, was read and approved. The testimony of all the witnesses who were examined during the absence of Lieutenant K. L. M—— was read, each one was called to hear his own evidence, pronounced it to be correct, and withdrew. Lieutenant K. L. M—— did not desire to ask any questions of the witnesses.

(Should Lieutenant K. L. M—— wish to examine the witness) ——, a former witness, testified under the oath he had taken, as follows:
* * *

VAR. 3. * * * The record of proceedings of yesterday, the first day of the trial, was read and objected to by the accused (a member) (the court), inasmuch as (here state reason). The court was cleared. When opened, etc. (If objection is sustained). The record was corrected so that * * * on page — shall read * * *

Subject to this correction the record was approved.

VAR. 4. * * * The judge advocate stated that the record of proceedings of yesterday, the first day of the trial, was not ready, and asked a delay until —— . This being granted by the court, it took a recess until ——; or, the court decided to postpone the reading of the record of proceedings of yesterday, the first day of the trial, until such time as it shall be reported ready, and in the meantime to proceed with the trial.

VAR. 5. During the reading of so much of the record as contained the testimony of —— he was called before the court and, having been instructed by the president that he could make such corrections as he desired, and after having his testimony read, he corrected the answer to question — on page — so as to read as follows: * * * . With this correction made he pronounced the testimony correct and then withdrew.

VAR. 6. * * * was called before the court and handed so much of the record of yesterday as contained his testimony, whereupon he withdrew. (See page 21 for method of recording the witness's statement concerning his testimony.)

Z. Y. X—— appeared as a witness for the prosecution, and was duly sworn, by the president, in the presence of the accused.

VAR. W. V. U——, U. S. Navy, the witness under examination when the court adjourned, reappeared, and, being warned that the oath previously administered was still binding, continued his testimony.

Examined by judge advocate:

27 Q. * * *

A. B. C—— appeared as a witness for the prosecution and was objected to by the accused (here give reason).

The judge advocate replied (here give reply).

(If the objecting party wishes to examine the witness on his *voir dire*, or introduce testimony, proceed as under challenge, the oath being administered by the president.)

The judge advocate offered in evidence an original document, viz, * * * , which was submitted to the accused and to the court.

There being no objection, it was read. The original (or a certified copy) is appended, marked "—."

VAR. 1. * * * marked "—."

——— appeared as a witness for the prosecution to identify the document (handwriting), and was duly sworn by the president, in the presence of the accused.

Examined by the judge advocate.

VAR. 2. The judge advocate offered in evidence an attested copy of a document (letter, order, etc.) (or copy under seal of Department) the original of which, he informed the court, could not be produced, as it was lost (part of permanent record, on official file, etc.). This he submitted to the accused and to the court; there being no objection to its admission, it was read and appended, marked "—."

Mr. A. B. J——, a clerk in the Navy Department, appeared as a witness for the prosecution to identify documents (if unattested) from the files of the Department and was duly sworn, etc.

VAR. 3. The judge advocate offered in evidence the official log book of the United States ship —— which he submitted to the court and the accused, and there being no objection to its admission, the remarks covering the afternoon watch on the —— day of ——, 1895, were read, to wit, * * * .

Lieutenant Commander C. D. Y——, U. S. Navy, appeared as a witness for the prosecution, and was duly sworn, etc.

NOTE.—For convenience, all documents relating to the organization of the court should be marked with the letters of the alphabet, as "A," "B," "C," etc.; whilst all documents which are instruments of evidence should be marked with numerals, as "1," "2," "3," etc.

The judge advocate informed the court that D. E. X., an essential witness, is too ill to appear in the court room, and asked the court to adjourn to —— where he is; the medical certificate in the case was read and appended, marked "—."

The court was cleared, etc., and it was announced that the court would adjourn to —— in compliance with the request of the judge advocate. All the members, the judge advocate, the stenographer, the accused and his counsel assembled at —— where the witness was in bed (or as it may be). The judge advocate having called the names of all the members, and each one having responded to his name, in the presence of the accused, D. E. X—— was duly sworn, etc. (insert testimony), * * * the testimony was read to the witness and by him pronounced to be correct; or, corrected his testimony as follows * * * , and then pronounced it as correct. All the members of the court, the judge advocate, the stenographer, the accused and his counsel returned to the navy yard, New York, the original place of meeting, where

the judge advocate having called the names of all the members, etc., the court proceeded with the trial.

Or, the court adjourned to meet to-morrow, ———, at — o'clock a. m., at the navy yard, New York, the original place of meeting.

VAR. (If examination is not completed.) The court adjourned to meet to-morrow, ———, at — o'clock a. m., at this, the place of adjournment.

The judge advocate (accused) asked that the witness be permitted to refresh his memory from a memorandum made ———. This being granted the witness, after inspecting the memorandum, testified from his own recollection * * * or stated that he could not remember the facts.

The president, at the request of a member (the judge advocate) (the accused), cautioned the witness as to his language (behavior) before the court. The witness replied * * *

The court was cleared, etc., * * * it was announced that the court deemed the witness, E. F. G——, guilty of contempt of court, in this, that he (here state the occurrence in full).

The court informed the witness that he was at liberty, by such proper statement as he might deem fit, to show cause why he should not be punished for contempt.

The witness said * * *

The witness was placed in charge of the provost marshal, the court cleared, etc.

* * * it was announced that the witness had purged himself of the contempt.

Or, * * * it was announced that the court having adjudged the witness ——— guilty of contempt in its presence, sentenced him, the said ——— to * * *

The testimony of the witness was continued.

By the judge advocate:

34. Q. * * *

There being no further questions, etc., ——— ——— was placed in charge of the provost marshal, who was directed to deliver him to ———, to whom a communication (certified copy appended, marked “—”) was addressed, announcing the offense and sentence.

A minute of the proceedings in relation to the contempt, properly authenticated, was transmitted to the convening authority, by letter (certified copy appended, marked “—”).

A. B. Z—— was recalled as a witness for the prosecution and cautioned that he was still under the obligation of the oath he had taken, * * *

The judge advocate informed the court that he had summoned Lieutenant F. G. W——, a material witness, and that officer having

failed (refused) to comply with the summons, submitted to the court, and by its permission attached to the record marked "—," duplicate of the subpoena and affidavit (certificate of service) and moved that the court issue a writ of attachment against the contumacious witness. (The attendance of civilian witnesses before naval courts is not compellable. Opinion of Attorney General.)

The motion was granted and the writ (certified copy appended, marked "—") issued.

The judge advocate informed the court that by direction of the convening authority he enters a *nolle prosequi* as to the ——— specification of the ——— charge and as to the ——— charge, etc. A *nol. pros.* was then entered accordingly. Letter from convening authority appended, marked "—."

The prosecution closes here.

The defense begins here.

The accused was, at his own request, duly sworn, by the president, as a witness in his own behalf, and testified as follows:

Examined by the accused (counsel):

1. Q. * * *

A. * * *

Cross-examined by the judge advocate:

10. Q. * * *

A. * * *

Examined by the court:

17. Q. * * *

A. * * * , etc.

There being no further questions to ask, etc.

The witness resumed his seat as the accused.

--- appeared as a witness for the defense, and was duly sworn, etc.

Examined by the accused:

1. Q. * * *

A. * * *

Cross examined by the judge advocate:

21. Q. * * *

A. * * *

Reexamined by the accused:

37. Q. * * *

A. * * *

Re cross examined by the judge advocate:

43. Q. * * *

A. * * *

Examined by the court:

53. Q. * * *

A. * * *

There being no further questions to ask, etc.

_____ appeared as a witness for the defense, as to character, and was duly sworn, etc.

* * * who had previously been handed so much of the record of yesterday as contained his testimony, returned to the room and pronounced his testimony correct (or, requested to make the following corrections * * *), and after being duly warned, etc., withdrew.

The accused did not wish to introduce further testimony.

The defense closes here.

The rebuttal begins here.

The accused asked a delay until _____ to prepare his written statement (argument).

VAR. 1. The accused did not wish to introduce further testimony. The judge advocate asked the court's permission to introduce evidence to rebut (here state new matter); or,

* * * evidence to impeach the testimony of _____; or,

* * * evidence to sustain the credibility of witness D. E. Y—, which the defense has attempted to impeach.

VAR. 2. The accused did not desire to introduce further testimony, and submitted his written statement to the court.

VAR. 3. The accused did not wish to introduce further testimony, nor to make a written statement, and submitted his case to the court.

VAR. 4. The accused did not wish to introduce further testimony, and offered in bar of judgment the following plea (same as under plea in bar of trial).

VAR. 5. Neither the accused nor the judge advocate wished to introduce further testimony. The court wanted further evidence and directed to be called (recalled) I. J. V— (A. B. C—.)

The request of the accused for a delay having been granted, the court adjourned to meet Monday (to-morrow, —) at — o'clock a. m.

THIRD DAY.

NAVY YARD, NEW YORK,

— a. m., Monday, —, 1895.

The court met pursuant to adjournment of Saturday (yesterday). Present: All the members, the judge advocate, the stenographer, the accused and his counsel. All witnesses were directed to withdraw. The record of proceedings of yesterday, the second day of the trial, was read and approved.

VAR. Lieutenant K. L. M——, U. S. Navy, a member of the court who was absent yesterday, appeared and stated (here give statement).

The court accepted the explanation.

All witnesses were directed to withdraw.

The record of proceedings of yesterday, the second day of the trial, was read, etc. (Same as in variation 2, bottom of page 16.)

The accused submitted his written defense. The court was cleared to examine it. When opened, etc.

The accused was informed that the court was ready to hear his written defense, and it was read by him (his counsel) (the judge advocate), and appended, marked “—;” or, * * * was ready to hear the argument on part of the defense.

VAR. * * * When opened, the judge advocate, the stenographer, the accused and his counsel entered, and it was announced that omitting the words “ * * * ” the accused might read his written defense. (Here give reason for this action.)

The accused not desiring to omit the words “ * * * ,” the court decided that the statement should not be read, and at the request of the accused it was appended to the record marked “—;” or, the accused requested permission to withdraw his written defense.

(NOTE. The statement is not evidence, but a personal declaration or defense. The impression that if “sworn to” it comes under the head of evidence by the accused in his own behalf is erroneous; it is therefore irregular and improper to have the statement sworn to. Affidavits are not admissible before naval courts-martial.)

(When stenographer is employed, both the accused (counsel) and the judge advocate can make oral arguments.)

The judge advocate submitted the case to the court without remark.

VAR. 1. The judge advocate read his reply, the original of which is appended, marked “ : ” or, made the following argument: (Here give argument.)

VAR. 2. The judge advocate requested a delay until ——, to prepare his reply, etc.

The trial was finished.

The judge advocate at this point invited the attention of the court to the article of the U. S. Navy Regulations relating to the introduction of evidence of previous convictions, and requested that in case the court found the accused guilty of the charge (or charges), or guilty in a less degree than charged, the court be opened to receive evidence of previous trials and convictions, if such exist.

The court was cleared for deliberation, all the parties to the trial, the judge advocate, and the stenographer withdrawing, and, after maturely considering the evidence adduced, called the judge advocate before it and directed him to record that the court finds in the foregoing case of Lieutenant I. H. G——, United States Navy, as follows:

The specification of the first charge "proved" ("not proved").

And that the accused, Lieutenant I. H. G——, is of the first charge "guilty" ("not guilty").

The first specification of the second charge "proved" ("not proved") ("proved in part") ("proved except the words ' * * * ', which words are not proved").

The second specification of the second charge "proved" ("not proved") ("proved in part") ("proved except the words ' * * * ', which words are not proved, and for which the court substitutes the words ' * * * ', which words are proved").

And that the accused, Lieutenant I. H. G——, is of the second charge "guilty" ("not guilty") ("guilty in a less degree than charged; guilty of ' * * * '").

The specification of the third charge "proved" ("not proved") ("proved in part") etc.,

And that the accused, Lieutenant I. H. G——, is of the third charge "guilty" ("not guilty"); and the court does therefore acquit (fully acquit) (most fully acquit) (honorably acquit) (most honorably acquit) (most fully and honorably acquit) the said Lieutenant I. H. G——, * * * of the third charge.

NOTES.—The finding must be free from interlineations or erasures.

When two or more persons are tried in joinder the findings and sentence (or acquittal) in the case of each person arraigned and tried should be separately recorded.

The court was opened and the stenographer, the accused and his counsel entered. The president announced that the court was ready to receive evidence of previous convictions as required by the U. S. Navy Regulations.

The judge advocate then read aloud a communication received from the Judge-Advocate General, transmitting the records of proceedings of two general courts-martial before which the accused had been tried, found guilty, and convicted. Said records were placed before the court by the judge advocate. They are contained in vols. — and — of the records of the office of the Judge Advocate General.

VAR. 1. In the case of enlisted men, records of summary courts-martial may be introduced in the same manner.

VAR. 2. The judge advocate then presented to the court general court-martial order No. —, dated —, 1894, in the case of the accused.

NOTE.—Evidence of previous convictions must relate to the current enlistment of the accused, as convictions incurred during a former enlistment are not admissible.

The court was then cleared to deliberate upon the sentence, the judge advocate, the stenographer, the accused and his counsel withdrawing, and after mature deliberation the judge advocate was

called before the court and directed to record the sentence of the court, as follows: (Here insert sentence, which must be free from interlineations or erasures.)

———, *Captain, U. S. N.,*
President of the Court.
 ———, *Commander, U. S. N., and Member.*
 ———, *Captain, U. S. M. C., and Member.*
 ———, *Lieutenant, U. S. N., and Member.*
 ———, *Lieutenant, U. S. N., and Member.*
 ———, *First Lieutenant, U. S. M. C.,*
and Member.
 ———, *Lieutenant, U. S. N., and Member.*
 ———, *First Lieutenant, U. S. M. C.,*
and Judge Advocate.

VAR. The court therefore sentences him, the said Lieutenant I. H. G——, United States Navy, to be shot to death by musketry (hanged by the neck until dead), two-thirds of the members concurring.

In consideration of (here state reason) we recommend the said Lieutenant I. H. G——, United States Navy, to the clemency of the revising power.

———, ———, ——— *and Member.*
 ———, ———, ——— *and Member.*
 ———, ———, ——— *and Member.*
 ———, ———, ——— *and Member.*
 ———, ———, ——— *and Member.*

The court then proceeded with the trial of ——— ———.

———, *Captain, U. S. N.,*
President of the Court.
 ———, *First Lieutenant, U. S. M. C.,*
Judge Advocate.

VAR. 1. The court adjourned to meet to-morrow ——— (on Monday next) at — o'clock, a. m.

———, *Captain, U. S. N.,*
President of the Court.
 ———, *First Lieutenant, U. S. M. C.,*
Judge Advocate.

VAR. 2. The court, having no more cases before it, adjourned to await the action of the revising authority.

———, *Captain, U. S. N.,*
President of the Court.
 ———, *First Lieutenant, U. S. M. C.,*
Judge Advocate.

REVISION.

NAVY YARD, NEW YORK,
12 m., Wednesday, ———, 1895.

The court reconvened (took up its revision in the case of ———) pursuant to an order, the original of which is appended, marked “—.” Present: (Here insert the names).

The accused should be present when the court is directed to revise any of its proceedings which occurred in open court.

Absent: (Here insert the names, with reason for such absence in each case.)

The court was cleared and the above-mentioned order was read. After mature deliberation the judge advocate was called before the court and directed to record that the court does now revoke its former sentence, and in lieu thereof does sentence the said I. H. G—— to

* * * * *

(Signed by all the members and the judge advocate.)

VAR. 1. * * * does now revoke its former finding on the ———, and in lieu thereof finds * * * (Signed by all the members and the judge advocate.)

VAR. 2. * * * decides to respectfully adhere to its former sentence (finding on ———). (Signed by all the members and the judge advocate.)

VAR. 3. * * * does now correct the record on ———, etc. (Signed by all the members and the judge advocate.)

The court having no further business before it, adjourned to await the action of the revising authority. (Signed by the president and the judge advocate.)

VAR. 1. The court adjourned to meet to-morrow ——— (on Monday next) at — o'clock a. m. (Signed by the president and the judge advocate.)

VAR. 2. The court proceeded with the trial of ——— ———. (Signed by the president and the judge advocate.)

ACTION OF CONVENING AUTHORITY ON THE RECORD.

U. S. F. S. ———, 1ST RATE,
 OFF ———,
 ———, 1895.

The proceedings, finding (findings), and sentence of the general court-martial in the foregoing case of ——— ——— are approved (disapproved and ——— ——— will be released from confinement (arrest) and restored to duty). Or,

The proceedings of the general court-martial in the foregoing case of ——— ——— are approved, the findings and sentence are disapproved for the following reasons (here state reasons), and he will be released from confinement (arrest) and restored to duty. Or,

The proceedings of the general court-martial in the foregoing case of ——— ——— are approved, the findings on the first and second specifications of the first charge and on the charge are disapproved, and the findings on the second and third charges, and the specifications thereunder, and the sentence, are approved. Or,

The proceedings, findings, and sentence of the general court-martial in the foregoing case of ——— ——— are approved. The U. S. S. ——— is designated as the place of confinement until an opportunity offers for sending him to the United States in a public conveyance. Or,

The proceedings, findings, and sentence of the general court-martial in the foregoing case of ——— ——— are approved, and the U. S. S. ——— is designated as the place for the execution of so much of the sentence as relates to confinement. Or,

The proceedings, finding, and sentence of the general court-martial in the foregoing case of ——— ——— are approved. In view, however, of the unanimous recommendation to clemency, the * * * is reduced to * * *. Or,

The proceedings, findings, and acquittal of the general court-martial in the foregoing case of ——— ——— are approved, and he will be released from confinement and restored to duty. Or,

The proceedings, findings, and sentence of the general court-martial in the foregoing case of Lieut. ——— ——— are approved, and, in conformity with Article 53 of the Articles for the Government of the Navy (Section 1624 of the Revised Statutes), the record is respectfully referred to the Secretary of the Navy for transmittal to the President.

—————,
Rear-Admiral, U. S. Navy,
Commander in Chief U. S. Naval Force on
 ——— *Station.*

Precept used by the Secretary of the Navy.

NAVY DEPARTMENT,

Washington. July 31, 1895.

To Captain A— B—, *U. S. Navy,*
Commanding U. S. F. S. Philadelphia,
Navy Yard, New York.

A General Court-Martial is hereby ordered to convene at the navy yard, New York, at noon on Wednesday, August 2, 1895, or as soon thereafter as practicable, for the trial of Lieutenant C— D—, U. S. Navy, and of such other persons as may be legally brought before it.

The court is composed of the following members, any five of whom are empowered to act, viz:

Captain A— B—, U. S. Navy,
 Captain E— F—, U. S. Navy,
 Commander G— H—, U. S. Navy,
 Lieutenant-Colonel I— K—, U. S. Marine Corps,
 Lieutenant-Commander L— M—, U. S. Navy,
 Lieutenant-Commander N— O—, U. S. Navy,
 Major P— A—, U. S. Marine Corps,
 Lieutenant R— S—, U. S. Navy,
 Lieutenant T— U—, U. S. Navy,

and of First Lieutenant X— T—, U. S. Marine Corps, as judge advocate.

No other officers can be summoned without manifest injury to the service.

This employment on shore duty is required by the public interests.

H. A. H—,
Secretary.

Precept used by the Commander in Chief when court is convened within waters of the United States.

PACIFIC STATION,

U. S. F. S. ———,

San Francisco, Cal., July 31, 1895.

To Captain A— B—, *U. S. Navy,*
Commanding U. S. F. S. ———,
San Francisco, Cal.

By virtue of the express authority vested in me by the President of the United States, in accordance with the provisions of Article 38, Section 1624, Title XV, Chapter 10, of the Revised Statutes of the United States, a General Court-Martial is hereby ordered to convene on board the U. S. F. S. ———, at San Francisco, Cal., at noon on Wednesday, August 2, 1895, or as soon thereafter as practicable, for the trial of Lieutenant X— T—, U. S. Navy, and of such other persons as may be legally brought before it.

The court is composed of the following members, any five of whom are empowered to act, viz:

Captain A— B—, U. S. Navy,
 Captain E— F—, U. S. Navy,
 Commander G— H—, U. S. Navy,
 Lieutenant-Commander L— M—, U. S. Navy,
 Captain N— O—, U. S. Marine Corps,

Lieutenant P— Q—, U. S. Navy,
 Lieutenant R— S—, U. S. Navy,
 Lieutenant T— U—, U. S. Navy,
 Lieutenant V— W—, U. S. Navy,

and of First Lieutenant C— D—, U. S. Marine Corps, as judge advocate.
 No other officers can be summoned without manifest injury to the service.

_____,
Rear-Admiral, U. S. Navy,
Commander in Chief, U. S. Naval Force on Pacific Station.

Precept used by the Commander in Chief when court is convened outside of the United States.

PACIFIC STATION,
 U. S. F. S. _____,
Honolulu, H. I., July 31, 1895.

To Captain A— B—, U. S. Navy,
Commanding U. S. F. S. _____,
Honolulu, H. I.

By virtue of the authority vested in me as contained in Article 38, Section 1624, Title XV, Chapter 10, of the Revised Statutes of the United States, a General Court-Martial is hereby ordered to convene on board the U. S. F. S. _____, at Honolulu, H. I., at noon on Wednesday, August 2, 1895, or as soon thereafter as practicable, for the trial of Lieutenant X— T—, U. S. Navy, and of such other persons as may be legally brought before it.

The court is composed of the following members, any five of whom are empowered to act, viz:

Captain A— B—, U. S. Navy,
 Captain E— F—, U. S. Navy,
 Commander G— H—, U. S. Navy,
 Lieutenant-Commander I— K—, U. S. Navy,
 Lieutenant-Commander L— M—, U. S. Navy,
 Captain N— O—, U. S. Marine Corps,
 Lieutenant P— Q—, U. S. Navy,
 Lieutenant R— S—, U. S. Navy,
 Lieutenant T— U—, U. S. Navy,

and of First Lieutenant C— D—, U. S. Marine Corps, as judge advocate.
 No other officers can be summoned without manifest injury to the service.

_____,
Rear-Admiral, U. S. Navy,
Commander in Chief, U. S. Naval Force on Pacific Station.

Order to president of court when no travel is involved.

BUREAU OF NAVIGATION,
 NAVY DEPARTMENT,

SIR:

Washington, July 31, 1895.

The Secretary of the Navy having appointed you president of a general court-martial ordered to convene at the navy yard, New York, at noon on Wednesday, the second day of August, 1895, you will report to Commodore C— D—, U. S. Navy, commandant of said yard, on the date specified.

The members of the court and the judge advocate have been directed to report to you.

This duty is in addition to your present duties.

Respectfully,

X— T—,
Chief of Bureau.

Captain A— B—, *U. S. Navy,*
Commanding U. S. F. S. Philadelphia,
Navy Yard, New York.

NOTE.—When the president of the court is senior to the commandant of the navy yard, he is ordered to confer with the commandant instead of reporting to him.

When court is ordered by Commander in Chief, these orders are issued from his office.
In case of a marine officer, these orders are issued by the Colonel Commandant.

Order to president of court where travel is involved.

BUREAU OF NAVIGATION,
NAVY DEPARTMENT,

Washington, July 31, 1895.

SIR:

The Secretary of the Navy having appointed you president of a general court-martial ordered to convene at the navy yard, New York, at noon on Wednesday, the second day of August, 1895, you will proceed to that place and report to Commodore C— D—, U. S. Navy, commandant of said yard, on the date specified.

The members of the court and the judge advocate have been directed to report to you.

Upon the completion of this duty return to Boston, Mass., and resume present duties.

Respectfully,

X— T—,
Chief of Bureau.

Captain A— B—, *U. S. Navy,*
Commanding U. S. F. S. Philadelphia,
Navy Yard, Boston, Mass.

NOTE.—When the president of the court is senior to the commandant of the station, he is ordered to confer with the commandant instead of reporting to him.

When court is ordered by Commander in Chief, these orders are issued from his office.
In case of a marine officer, these orders are issued by the Colonel Commandant.

Order to member or judge advocate where no travel is involved.

BUREAU OF NAVIGATION,
NAVY DEPARTMENT,

Washington, July 31, 1895.

SIR:

The Secretary of the Navy having appointed you member (judge advocate) of a general court-martial ordered to convene at the navy yard, New York, at noon on Wednesday, the second day of August, 1895, you will report to Captain A— B—, U. S. Navy, the presiding officer of the court, at the place and time specified.

This duty is in addition to your present duties.

Respectfully,

X— T—,
Chief of Bureau.

Commander G— H—, *U. S. Navy,*
Navy Yard, New York.

NOTE.—In case of a marine officer, these orders are issued by the Colonel Commandant.

When court is ordered by Commander in Chief, these orders are issued from his office.

Order to member or judge advocate when travel is involved.

BUREAU OF NAVIGATION,
NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

The Secretary of the Navy having appointed you member (judge advocate) of a general court-martial ordered to convene at the navy yard, New York, at noon, on Wednesday, the second day of August, 1895, you will proceed to that place and report to Captain A— B—, U. S. Navy, presiding officer of the court, at the time specified.

Upon the completion of this duty return to Boston, Mass., and resume present duties.

Respectfully,

X— T—,
Chief of Bureau.

Commander G— H—, U. S. Navy,
Navy Yard, Boston, Mass.

NOTE.—In case of a marine officer, these orders are issued by the Colonel Commandant.
When court is ordered by Commander in Chief, these orders are issued from his office.

Letter transmitting precept.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I transmit herewith a precept addressed to you as senior member of a general court-martial ordered to convene at the navy yard, New York, at noon on Wednesday, August 2, 1895. The charge and specification preferred against Lieutenant C— D—, U. S. Navy, have been forwarded to the judge advocate of the court.

Very respectfully,

H. A. H—,
Secretary.

Captain A— B—, U. S. Navy,
Commanding U. S. F. S. Philadelphia,
Navy Yard, New York.

Letter transmitting charge and specification.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I transmit herewith charge, with specification, against Lieutenant C— D—, U. S. Navy, who will be tried before the general court-martial of which you are judge advocate, ordered to convene at the navy yard, New York, August 2, 1895.

You will summon such witnesses as may be required for his defense.

Very respectfully,

H. A. H—,
Secretary.

First Lieutenant X— T—, U. S. M. C.,
Marine Barracks,
Navy Yard, New York.

Letter transmitting charge and specification to commandant of navy yard.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I transmit herewith charge, with specification, against C— D—, seaman, U. S. Navy, which you will please deliver to him with notice that he will be tried before the general court-martial of which Captain A— B—, U. S. Navy, is president, ordered to convene at the navy yard, New York, at noon on Wednesday, August 2, 1895. The judge advocate will summon such witnesses as may be required for the defense.

Very respectfully,

H. A. H—,
Secretary.

The Commandant,
*Navy Yard,
New York.*

Letter to commandant of navy yard.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

A general court martial, of which Captain A— B—, U. S. Navy, is president, has been ordered to convene at the navy yard, New York, at noon on Wednesday, August 2, 1895.

You will please detail, from the civil employés or enlisted force under your command, a suitable person to assist the judge advocate in recording the proceedings of the court.

Very respectfully,

H. A. H—,
Secretary.

The Commandant,
*Navy Yard,
New York.*

Letter to commandant of navy yard, forwarding charges and specifications when court is in session.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I transmit herewith charges, with specifications, against C— D—, seaman, U. S. Navy, which you will please deliver to him with notice that he will be tried before the general court-martial of which Captain A— B—, U. S. Navy, is president. The judge advocate will summon such witnesses as may be required for the defense.

Very respectfully,

H. A. H—,
Secretary.

The Commandant,
*Navy Yard,
New York*

Letter to president of court informing him that another case has been sent to the court.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I have to inform you that Lieutenant R— S—, U. S. Navy, will be tried before the general court-martial of which you are president. The charge and specification preferred against him have been forwarded to the judge advocate of the court.

Very respectfully,

H. A. H—,
Secretary.

Captain A— B—, *U. S. Navy,*
President General Court-Martial,
Navy Yard, New York.

Letter to judge advocate forwarding charge and specification when court is in session.

NAVY DEPARTMENT,
Washington, July 31, 1895.

SIR:

I transmit herewith charge, with specification, against Lieutenant R— S—, U. S. Navy, who will be tried before the general court-martial of which you are judge advocate. You will summon such witnesses as may be required for his defense.

Very respectfully,

H. A. H—,
Secretary.

First Lieutenant X— T—, *U. S. M. C.,*
Judge Advocate, General Court-Martial,
Navy Yard, New York.

Subpoena.

COURT-MARTIAL ROOM,
NAVY YARD, NEW YORK,
August 2, 1895.

SIR:

You are hereby summoned to appear before a general court-martial at the navy yard, New York, at 10 a. m., Monday, August 4, 1895, to testify in the case of ———.

Very respectfully,

X— T—,
First Lieutenant, *U. S. M. C.,*
and Judge Advocate.

To Lieutenant G— C—, *U. S. Navy,*
Navy Yard, New York.

Subpœna duces tecum.

COURT-MARTIAL ROOM,
NAVY YARD, NEW YORK,
August 2, 1895.

SIR:

You are hereby summoned to appear before a general court-martial at the navy yard, New York, at 10 a. m., Monday, August 4, 1895, to testify in the case of ———, and will bring with you the following-described papers (here describe papers).

Very respectfully,

X—— T——,
*First Lieutenant, U. S. M. C.,
and Judge Advocate.*

To Lieutenant G—— C——, *U. S. Navy,
Navy Yard, New York.*

Request for provost marshal, guard, and orderlies.

U. S. F. S. PHILADELPHIA,
NAVY YARD, NEW YORK,
August 2, 1895.

SIR:

Having been appointed president of a general court-martial, ordered to convene at the navy yard under your command, at noon on Wednesday, August 2, 1895, I respectfully request that a suitable person may be detailed to serve as provost marshal, and that the necessary guard and orderlies be detailed as provided by U. S. Navy Regulations.

Very respectfully,

A—— B——,
*Captain, U. S. Navy,
and President.*

The Commandant,
Navy Yard and Station.

Request for a room for court.

MARINE BARRACKS,
NAVY YARD, NEW YORK,
August 1, 1895.

SIR:

Having been appointed judge advocate of a general court-martial, ordered to convene at the navy yard under your command, at noon on Wednesday, August 2, 1895, I respectfully request that, in accordance with U. S. Navy Regulations, a suitable place be provided for the sessions of the court.

Very respectfully,

X—— T——,
*First Lieutenant, U. S. M. C.,
and Judge Advocate.*

The Commandant,
Navy Yard and Station.

Letter transmitting record.

COURT-MARTIAL ROOM,
NAVY YARD, NEW YORK,
August 8, 1895.

SIR:

I transmit herewith the record of proceedings of the general court-martial in the case of Lieutenant C— D—, U. S. Navy.

Very respectfully,

A— B—,
*Captain, U. S. Navy,
and President.*

The Judge-Advocate General, *U. S. Navy,*
Navy Department, Washington.

Letter informing convening authority that court has finished all business before it.

COURT-MARTIAL ROOM,
NAVY YARD, NEW YORK,
August 8, 1895.

SIR:

I have the honor to inform you that the general court-martial of which I am president has finished all the business before it and has adjourned to await your further instructions.

Very respectfully,

A— B—,
*Captain, U. S. Navy,
and President.*

The

SECRETARY OF THE NAVY,
*Navy Department,
Washington.*

Letter to judge advocate of court authorizing the employment of a stenographer.

NAVY DEPARTMENT,
Washington, August 1, 1895.

SIR:

You are hereby authorized and directed to employ, at the customary market rates, to be agreed upon in writing before any services are rendered, such stenographic assistance as may in your judgment be requisite and proper for the purpose of recording the proceedings to be had and the testimony to be taken by the general court-martial of which you are judge advocate, ordered to convene at the navy yard, New York, at noon on the 2d instant.

The commandant of the navy yard, New York, has been directed to furnish you with the necessary clerical assistance.

Very respectfully,

H. A. H—,
Secretary.

First Lieutenant X— T—, U. S. M. C.,
*Judge Advocate, General Court-Martial,
Navy Yard, New York.*

Order placing officer under arrest.

NAVY DEPARTMENT,
Washington, August 1, 1895.

SIR:

Enclosed you will find charges with specifications preferred against you by the Department.

A general court-martial has been ordered to convene at the navy yard, New York, at noon on Wednesday, August 2, 1895, at which time and place you will report to Captain A— B—, U. S. Navy, the presiding officer of said court, for trial.

You are hereby placed under arrest.

Very respectfully,

H. A. H—,
Secretary.

Lieutenant C— D—, U. S. Navy,
Navy Yard, New York.

Letter to commandant of navy yard, enclosing charges and specifications and placing officer under arrest.

NAVY DEPARTMENT,
Washington, August 1, 1895.

SIR:

I transmit herewith charges, with specifications, preferred against Lieutenant C— D—, U. S. Navy, which you will deliver to him with the accompanying letter, place him under arrest in conformity with Article 44 of the Articles for the Government of the Navy, and direct him to report to Captain A— B—, U. S. Navy, at noon on Wednesday, the second day of August, 1895, for trial before the general court-martial of which he is president.

Very respectfully,

H. A. H—,
Secretary.

The Commandant,
Navy Yard, New York.

Letter to judge advocate authorizing correction in specifications.

NAVY DEPARTMENT,
Washington, August 3, 1895.

SIR:

You are hereby authorized and directed to change the copy of charges and specifications preferred by the Department against Lieutenant C— D—, U. S. Navy, in the following particular: On page 9, line 6, the word "—" to "——."

You will cause the copy in the possession of Lieutenant D— to be corrected accordingly.

Very respectfully,

H. A. H—,
Secretary.

First Lieutenant X— T—, U. S. M. C.,
Judge Advocate, General Court Martial,
Navy Yard, New York.

Letter to judge advocate authorizing a nolle prosequi.

NAVY DEPARTMENT,

Washington, August 3, 1895.

SIR:

Referring to the Department's letter of the 31st ultimo, transmitting to you, as judge advocate of the general court-martial ordered to convene at the navy yard, New York, on Wednesday, the 2d instant, charges and specifications against Lieutenant C— D—, U. S. Navy, I enclose herewith a letter this day received from Commander R— S—, U. S. Navy, commanding the U. S. S. —, stating that recent occurrences lead him to conclude that there is not sufficient evidence to warrant a charge of — against Lieutenant D—.

Inasmuch as the charges against Lieutenant D— were drawn upon the reports made to the Department by Commander S—, you are hereby directed, in view of his letter above mentioned withdrawing the charge of —, to enter a *nolle prosequi* in the case upon the first charge and the specification thereunder.

Very respectfully,

H. A. H—,
Secretary.

First Lieutenant X— T—, U. S. M. C.,
Judge Advocate, General Court-Martial,
Navy Yard, New York.

Specimen Charges and Specifications.

CHARGE.—“Absence from station and duty without leave.”

Specification.—“In that the said — —, a private in the United States Marine Corps, attached to and serving on board the United States receiving ship —, at the navy yard, —, did, at about nine hours and thirty minutes antemeridian, on the thirtieth day of August, eighteen hundred and ninety-four, absent himself from his station and duty without leave from proper authority, and did remain so absent until about two hours and thirty minutes postmeridian on the day above mentioned.”

Specification.—“In that the said — —, an apprentice, second class, in the United States Navy, attached to and serving on board the United States receiving ship —, at the navy yard, —, did, on or about the seventh day of September, eighteen hundred and ninety-four, absent himself from said vessel without leave from proper authority, and did remain so absent until the twenty-sixth day of the month aforesaid.”

CHARGE.—“Assaulting another person in the service.”

Specification.—“In that the said — —, a seaman in the United States Navy, attached to and serving on board the United States steamer —, at the navy yard, —, did, at about four hours and thirty minutes postmeridian, on the twenty-fourth day of August, eighteen hundred and ninety-four, willfully and maliciously, and without justifiable cause, assault — —, master at arms, first class, United States Navy, who was then and there in the execution of the duties of his office.”

Specification.—"In that the said ———, a coal passer in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, while being escorted to his ship by private ———, United States Marine Corps, the patrol at said yard, at about five hours antemeridian, on the twenty-third day of February, eighteen hundred and ninety-four, and, having been ordered to stop singing and making a noise, did willfully and maliciously, and without justifiable cause, assault said ———, who was then and there in the execution of the duties of his office."

CHARGE I.—"Assault and battery, in violation of the eighth article of the Articles for the Government of the Navy."

Specification 1.—"In that the said ———, a coal passer in the United States Navy, attached to and serving on board the United States steamer ———, at ———, did, between the hours of ten and eleven o'clock post-meridian on the first day of July, eighteen hundred and ninety-four, willfully and maliciously assault ———, master at arms, first class, United States Navy, and did then and there, without justifiable cause, bite said ———, who, in the discharge of his duties, was searching the said ———, by order of Lieutenant ———, United States Navy, the executive officer of said vessel."

Specification 2.—"In that the said ———, a coal passer in the United States Navy, attached to and serving on board the United States steamer ———, at ———, did, between the hours of ten and eleven o'clock post-meridian on the first day of July, eighteen hundred and ninety-four, willfully and maliciously assault ———, sergeant, United States Marine Corps, and did then and there without justifiable cause bite the said ———, who, in the discharge of his duties, was assisting ———, master at arms, first class, United States Navy, in searching the said ———."

CHARGE.—"Assaulting and striking another person in the service."

Specification.—"In that the said ———, a private in the United States Marine Corps, undergoing confinement, in accordance with the sentence of a general court-martial, at the naval prison, navy yard, Boston, Massachusetts, did, at or about five hours and thirty minutes antemeridian, on the sixteenth day of February, eighteen hundred and ninety-four, willfully and maliciously, and without justifiable cause, assault and strike ———, private, United States Marine Corps, who was also in confinement at said prison."

CHARGE.—"Assaulting and striking another person in the navy."

Specification.—"In that the said ———, a fireman, first class, in the United States Navy, attached to and serving on board the United States steamer ———, at ———, did, on the thirtieth day of June, eighteen hundred and ninety-four, willfully and maliciously, and without justifiable cause, assault and strike ———, coxswain, United States Navy, attached to said vessel, who was then and there in the execution of the duties of his office."

CHARGE.—“Assaulting and striking his superior officer.”

Specification.—“In that the said ———, a fireman, first class, in the United States Navy, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, did, at about eight hours and forty-five minutes antemeridian on the ninth day of March, eighteen hundred and ninety-four, in the city of ———, willfully and maliciously, and without justifiable cause, assault and strike his superior officer, ———, United States Navy.”

CHARGE.—“Assaulting and attempting to kill another person in the service.”

Specification.—“In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the thirty-first day of August, eighteen hundred and ninety-four, willfully and maliciously, and without justifiable cause, assault and attempt to kill private ———, United States Marine Corps, attached to said barracks.”

CHARGE.—“Conduct to the prejudice of good order and discipline.”

Specification.—“In that the said ———, an apprentice, first class, in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on or about the twenty-second day of November, eighteen hundred and ninety-three, been ordered by ———, chief boatswain's mate, United States Navy, attached to said vessel, to remove certain clothes belonging to him, the said ———, from a towel line on board said vessel, did use obscene and threatening language toward the said ———, who was then and there in the execution of the duties of his office: this to the prejudice of good order and discipline.”

Specification.—“In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, having, at about nine hours and thirty minutes postmeridian, on the twenty-first day of December, eighteen hundred and ninety-three, been placed in arrest by the officer of the day at said barracks, and having been placed in irons, did break the handirons, and did, by throwing a cup, break a window in the cell passage at said barracks: this to the prejudice of good order and discipline.”

Specification.—“In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, did, at about one hour and fifteen minutes postmeridian, on the second day of February, eighteen hundred and ninety-four, upon returning to said vessel from liberty, have in his possession a flask of liquor: this to the prejudice of good order and discipline.”

Specification.—“In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, did, at about one hour and fifteen minutes postmeridian, on the second day of February, eighteen hundred and ninety-four, use profane, obscene, and abusive language toward Sergeant ———, United States Marine Corps, who was on duty on the cob dock at said navy yard: this to the prejudice of good order and discipline.”

Specification.—"In that the said ———, a passed assistant surgeon in the United States Navy, having, on the sixteenth day of June, eighteen hundred and ninety-three, been appointed by the Secretary of the Navy member and recorder of a board of medical examiners at the navy yard, ———, and having been duly informed of such appointment, and it being his duty as such recorder to record the proceedings of said board, did, on or about the thirteenth day of October, eighteen hundred and ninety-three, at said navy yard, refuse, on account of alleged informalities, to record the proceedings had in the case of Ensign ———, United States Navy, who had been examined before said board, as a preliminary to promotion, in accordance with the requirements of section fourteen hundred and ninety-three of the Revised Statutes: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a coal passer in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, while being escorted to his ship by Private ———, United States Marine Corps, patrol at said yard, at about five hours antemeridian, on the twenty-third day of February, eighteen hundred and ninety-four, did, after being ordered by the said patrol to stop singing and making a noise, reply that he would not stop for any 'G— d— marine,' or words to that effect: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a water tender in the United States Navy, attached to and serving on board the United States flagship ———, at the navy yard, ———, having, on the thirtieth day of August, eighteen hundred and ninety-four, brought to Lieutenant-Commander ———, United States Navy, the executive officer of said vessel, a telegram in words as follows: 'Frank, Eliza is dying. Patrick.' and having asked and been refused permission to leave the ship, did reply to said Lieutenant-Commander ———, 'well, I'll go anyway,' or words to that effect: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a water tender in the United States Navy, attached to and serving on board the United States flagship ———, at the navy yard, ———, having, on the thirtieth day of August, eighteen hundred and ninety-four, requested permission of Lieutenant-Commander ———, United States Navy, the executive officer of said ship, to send the telegram set forth in the first specification of this charge to the Secretary of the Navy, and having been informed that he could do so if forwarded through his commanding officer, did reply, 'No, I'll send it through my lawyer,' and having been further informed that it must be sent through his commanding officer, did further reply, 'the Captain be damned; I'll send it as I please,' or words to that effect: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a sergeant in the United States Marine Corps, attached to and serving on board the United States flagship ———, at the navy yard, ———, did, between the hours of twelve and four postmeridian on the first day of October, eighteen hundred and ninety-four, on board said vessel, have in his possession a bottle of intoxicating liquor: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, did, on the thirtieth day of August, eighteen hundred and ninety-four, smuggle into said navy yard two bottles of intoxicating liquor: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on the eighteenth day of August, eighteen hundred and ninety-four, absented himself from said vessel without permission from proper authority, did refuse to halt when challenged by the sentry at the gangway on the wharf: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on the eighteenth day of August, eighteen hundred and ninety-four, absented himself from said vessel without permission from proper authority, did refuse to halt when challenged by the corporal of the guard, and did evade pursuit by that officer: this to the prejudice of good order and discipline."

Specification.—"In that the said ———, a coal passer in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on the sixth day of August, eighteen hundred and ninety-four, received, through ———, fireman, second class, United States Navy, an order from Naval Cadet ———, United States Navy, his superior officer, to assist in cleaning the passages on the berth deck of said vessel, did refuse to obey, and did willfully disobey, the said lawful order of his superior officer, the said Naval Cadet ———, United States Navy, who was then and there in the execution of the duties of his office: this to the prejudice of good order and discipline."

CHARGE.—"Conduct to the prejudice of good order and discipline, in violation of Article Twenty-two of the Articles for the Government of the Navy."

Specification.—"In that the said ———, alias ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the ninth day of December, eighteen hundred and ninety-three, at said barracks, procure himself to be accepted and did fraudulently enlist as a private in the United States Marine Corps, by falsely representing that he had never been discharged from the United States service by sentence of a military court, and by deliberately and willfully concealing from the recruiting officer the fact that he was, on the nineteenth day of November, eighteen hundred and ninety-three, dishonorably discharged from the United States Army, under the name of ———, pursuant to the sentence of a general court-martial; and furthermore, that he, the said ———, alias ———, has, at the marine barracks, navy yard, ———, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said ———, an apprentice, third class, in the United States Navy, attached to and serving on board the United States receiving ship ———, at ———, did, on the ninth day of May, eighteen hundred and ninety-four, on board said receiving ship ———, procure himself

to be accepted and did fraudulently enlist as an apprentice, third class, in the United States Navy, by falsely representing to the recruiting officer of said receiving ship — that he, the said —, had the consent of his parent or lawful guardian to enlist, which representation was false and intended to deceive, and by presenting to the said recruiting officer what purported to be the consent, declaration, and oath of said parent or lawful guardian, and which consent, declaration, and oath of parent or guardian was falsely and fraudulently made; and furthermore, that he, the said —, has, on board said receiving ship —, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said —, alias —, an apprentice, third class, in the United States Navy, attached to and serving on board the United States receiving ship —, at the navy yard, —, did, on the twenty-first day of June, eighteen hundred and ninety-three, on board the United States receiving ship —, at —, procure himself to be accepted and did fraudulently enlist as an apprentice, third class, in the United States Navy, by falsely representing that he had no previous naval service, and by deliberately and willfully concealing from the recruiting officer the fact that he had, on the seventeenth day of November, eighteen hundred and ninety-two, deserted from the United States steamer —, at the navy yard, —, under the name of —; and furthermore, that he, the said —, has, on board said ships — and —, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said —, an apprentice, third class, in the United States Navy, attached to and serving on board the United States receiving ship —, at the navy yard, —, did, on the fourteenth day of August, eighteen hundred and ninety-three, on board the United States receiving ship —, at the navy yard, —, procure himself to be accepted and did fraudulently enlist as an apprentice, third class, in the United States Navy, by falsely representing that his next of kin was —, whose whereabouts was unknown, and by deliberately and willfully concealing from the recruiting officer the fact that his father, —, was living; and furthermore, that the said — has, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said —, alias —, an apprentice, third class, in the United States Navy, attached to and serving on board the United States training ship —, at the naval station, —, did, on the fifteenth day of August, eighteen hundred and ninety-four, on board the United States receiving ship —, at the navy yard, —, procure himself to be accepted and did fraudulently enlist as an apprentice, third class, in the United States Navy, by falsely representing that he had no previous naval service, and by deliberately and willfully concealing from the recruiting officer the fact that he had, on the twenty-sixth day of January, eighteen hundred and ninety-three, been discharged from the United States training ship —, at the naval station, —, for inaptitude, under the name of —; and furthermore, that he, the said —, alias —, has, on board said ships — and —, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said —, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, —, did, on the first day of August, eighteen hundred and ninety-four,

at said barracks, procure himself to be accepted and did fraudulently enlist as a private in the United States Marine Corps, by falsely representing that he had no previous naval service, and by deliberately and willfully concealing from the recruiting officer the fact that he was, on the first day of August, eighteen hundred and ninety-three, discharged from the United States Navy, as an apprentice, second class, pursuant to the sentence of a summary court-martial, with a bad-conduct discharge; and furthermore, that he, the said ———, has, at the marine barracks, navy yard, ———, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the second day of August, eighteen hundred and ninety-four, at ———, procure himself to be accepted and did fraudulently enlist as a private in the United States Marine Corps, by falsely representing that he had no previous naval service, and by deliberately and willfully concealing from the recruiting officer the fact that he had, on the second day of October, eighteen hundred and ninety-one, deserted from the United States steamer ———, at the navy yard, ———; and furthermore, that he, the said ———, has, at the marine barracks, navy yard, ———, and at the marine barracks, navy yard, ———, since said enlistment, received pay and allowances thereunder."

Specification.—"In that the said ———, a fireman, first class, alias ———, a fireman, second class, in the United States Navy, a patient at the naval hospital, navy yard, ———, did, on the fourteenth day of May, eighteen hundred and ninety-four, on board the United States receiving ship ———, at the navy yard, ———, procure himself to be accepted and did fraudulently enlist as a fireman, first class, in the United States Navy, by falsely representing that he had no previous naval service, and by deliberately and willfully concealing from the recruiting officer the fact that he was, on the sixth day of December, eighteen hundred and ninety-three, discharged from the United States Navy under the name of ———, fireman, second class, pursuant to the sentence of a general court-martial; and furthermore, that he, the said ———, alias ———, has, on board said receiving ship ——— and on board the United States steamer ———, since said enlistment, received pay and allowances thereunder."

CHARGE—"Culpable inefficiency in the performance of duty."

Specification.—"In that, on the second day of February, eighteen hundred and ninety-four, the said ———, a lieutenant in the United States Navy, attached to and serving as navigator on board the United States flagship ———, making passage from ——— to ———, well knowing that at about sunset of said day the said steamer ——— had nearly run her estimated distance from the four o'clock postmeridian position, obtained and plotted by him, to the position of ———, and well knowing the difficulty of sighting ——— from a safe distance after darkness fell, under the conditions of weather then existing, did fail to advise his commanding officer, as it was clearly his duty to do, to lay a safe course for said vessel to the northward before continuing on a westerly course; and the said Lieutenant ——— was therein and thereby culpably inefficient in the performance of his duty as navigator, in consequence of which, the said steamer ——— was, at about six hours and fifty minutes postmeridian on the day above mentioned, run

upon ——— Bank, in the ——— Sea, in about latitude thirteen degrees thirty-four minutes north, and longitude eighty degrees five minutes west, and was stranded."

Specification.—"In that the said ———, a passed assistant paymaster in the United States Navy, while attached to and serving as such on board the United States ship ———, a vessel of the training squadron, having, as commissary of the apprentices' messes of said ship, received, between the first of October, eighteen hundred and ninety-one, and the thirtieth of June, eighteen hundred and ninety-two, both days inclusive, the sum of three hundred and seventy-six dollars, or thereabouts, lawful money of the United States, being the aggregate of the share of commuted rations of the naval apprentices transferred from the training station at Newport, Rhode Island, to said ship during said period, did wholly neglect and fail to keep or cause to be kept a proper account of the disbursement of said sum."

CHARGE.—"Desertion."

Specification.—"In that the said ———, a ship's writer in the United States Navy, undergoing confinement, in accordance with the sentence of a general court-martial, at the naval prison, navy yard, Boston, Massachusetts, did, on the twenty-sixth day of May, eighteen hundred and ninety-four, while a prisoner on board the United States steamer ———, at the navy yard ———, awaiting transfer to the prison at the navy yard, Boston, Massachusetts, desert from said vessel and from the United States Navy, and did continue in desertion until he was apprehended and delivered on board the United States receiving ship ———, at the navy yard, ———, by the police authorities of said city, on the third day of July, in the year aforesaid."

Specification.—"In that the said ———, alias ———, an apprentice, third class, in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, did, on the fifteenth day of October, eighteen hundred and ninety-four, desert from said vessel and from the United States Navy, and did continue in desertion until he was apprehended and delivered on board said vessel by police authorities, on the eighteenth day of the month aforesaid."

Specification.—"In that the said ———, an apprentice, third class, in the United States Navy, attached to and serving on board the United States flagship ———, at ———, did, on or about the eighteenth day of August, eighteen hundred and ninety-four, desert from said vessel and from the United States Navy, and did continue in desertion until he was apprehended and delivered on board the United States receiving ship ———, at the navy yard, ———, on the thirtieth day of August in the year aforesaid."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the twentieth day of March, eighteen hundred and ninety-four, desert from said barracks and from the United States Marine Corps, and did continue in desertion until he surrendered himself at the marine barracks, ———, on the twentieth day of August, in the year aforesaid."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the second day of October, eighteen hundred and ninety-one, while a landsman in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, desert from said vessel and from the naval service, and did continue in desertion until he enlisted in the United States Marine Corps, as a private, at ———, on the second day of August, eighteen hundred and ninety-four."

Specification.—"In that the said ———, a mess attendant in the United States Navy, attached to and serving on board the United States steamer ———, at ———, did, on the twenty-eighth day of June, eighteen hundred and ninety-four, desert from said vessel and from the United States Navy, and did continue in desertion until he was delivered on board the United States receiving ship ———, at the navy yard ———, by the police authorities of the city of ———, on the second day of August, eighteen hundred and ninety-four."

CHARGE.—"Disrespectful in language and deportment to his superior officer while in the execution of the duties of his office."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at ———, was, on the sixth day of June, eighteen hundred and ninety-four, while on shore at said place as a member of a landing party for the protection of the United States consulate, disrespectful in language and deportment to Lieutenant ———, United States Navy, commanding the said landing party, who was then and there in the execution of the duties of his office."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, was, on the twenty-seventh day of September, eighteen hundred and ninety-four, while confined in the guardroom at said barracks, disrespectful in language and deportment to his superior officer, Second Lieutenant ———, United States Marine Corps, who was then and there in the execution of the duties of his office."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, New York, was, on the seventh day of September, eighteen hundred and ninety-four, while being interrogated at the mast of said vessel by Commander ———, United States Navy, the commanding officer of said vessel, with reference to his being absent without leave, disrespectful in language and deportment to his superior officer, the said Commander ———, United States Navy, who was then and there in the execution of the duties of his office."

CHARGE.—"Drunkenness on post."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, having, on the eighteenth day of July, eighteen hundred and ninety-four, been regularly posted as a sentinel at the lyceum at said navy yard, was drunk while on said post."

CHARGE.—“Drunkenness on duty.”

Specification.—“In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at ———, was, on the sixth day of June, eighteen hundred and ninety-four, while on shore at said place, as a member of a landing party for the protection of the United States consulate, under the influence of intoxicating liquor and thereby unfit for the proper performance of duty.”

Specification.—“In that, at or about nine o'clock on the evening of the twenty-fourth day of May, eighteen hundred and ninety-three, the said ———, a lieutenant in the United States Navy, attached to and serving as such on board the United States steamer ———, said steamer being then at the navy yard, ———, was, while on duty as officer of the deck of said ship, under the influence of intoxicating liquor, and thereby incapacitated for the proper performance of duty.”

CHARGE.—“Drunkenness.”

Specification.—“In that the said ———, a lieutenant in the United States Navy, attached to and serving on board the United States steamer ———, at ———, was, on the seventeenth day of February, eighteen hundred and ninety-four, under the influence of intoxicating liquor, and thereby incapacitated for the proper performance of duty.”

Specification.—“In that the said ———, a private in the United States Marine Corps, a patient at the naval hospital, ———, was, at or about five hours postmeridian on the eighth day of May, eighteen hundred and ninety-four, drunk at said hospital.”

Specification.—“In that the said ———, a private in the United States Marine Corps, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, was, at said navy yard, on the thirtieth day of August, eighteen hundred and ninety-four, under the influence of intoxicating liquor, and thereby unfit for duty.”

Specification.—“In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, was, on the twenty-seventh day of September, eighteen hundred and ninety-four, upon his return to said barracks from liberty, drunk and unfit for duty.”

CHARGE.—“Drunkenness on guard.”

Specification.—“In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, was, on the morning of the twenty-second day of October, eighteen hundred and ninety-four, while acting as corporal of the guard at said yard, drunk on guard.”

CHARGE.—“Embezzlement, in violation of Article Fourteen of the Articles for the Government of the Navy.”

Specification.—“In that the said ———, a paymaster in the United States Navy, attached to and serving as such on board the United States steamer ———, having, between the first day of January and the twenty-fifth day of February, eighteen hundred and ninety-three, both days inclusive, issued

various articles of provisions to the officers' and other messes of said steamer ———, and having received the value of said stores in lawful money of the United States, in the amount of one thousand five hundred and twenty dollars and sixty-two cents, or thereabouts, did unlawfully and wholly fail to account to the United States for said sum or any part thereof, but did convert to his own use the said sum of one thousand five hundred and twenty dollars and sixty-two cents, or thereabouts, lawful money of the United States, the total amount received from said issues."

Specification.—"In that the said ———, a paymaster in the United States Navy, attached to and serving as such on board the United States steamer ———, a vessel belonging to the United States naval force on the Pacific station, having, on or about the twenty-fifth day of February, eighteen hundred and ninety-three, received a lawful order from the Secretary of the Navy, dated February second, eighteen hundred and ninety-three, directing him to transfer to Paymaster ———, United States Navy, the public funds in his possession, and the said ——— having, as pay officer of the said steamer ———, between the first day of January and the twenty-fifth day of February, eighteen hundred and ninety-three, both days inclusive, received the sum of one thousand five hundred and twenty dollars and sixty-two cents, or thereabouts, lawful money of the United States, for provisions sold to the officers' and other messes of said steamer ———, which sum should have been transferred to his relief, Paymaster ———, United States Navy, in obedience to the aforesaid order, did, on or about said twenty-fifth day of February, eighteen hundred and ninety-three, on board said steamer ———, fail to transfer to his relief, Paymaster ———, United States Navy, the said sum of one thousand five hundred and twenty dollars and sixty-two cents; and the said ——— did thereby embezzle the said sum of one thousand five hundred and twenty dollars and sixty-two cents from moneys of the United States in his custody, the amount received for provisions, as aforesaid."

Specification.—"In that the said ———, a paymaster in the United States Navy, attached to and serving as such on board the United States steamer ———, a vessel belonging to the United States naval force on the Pacific station, was, on the thirty-first day of July, eighteen hundred and ninety-one, as pay officer of said steamer ———, justly indebted to the United States in the sum of thirty-nine thousand five hundred and seventy-three dollars and five cents, moneys of the United States, under 'General Account of Advances,' for the safe-keeping and disbursement of which sum, in accordance with law, he, the said ———, was responsible; whereas, he, the said ———, did have on hand in cash, on board said steamer ———, on the said date, the sum of thirteen thousand nine hundred and seventy dollars and five cents, and subject to his check in the subtreasuries at New York and San Francisco the total sum of nineteen thousand three hundred and twenty-three dollars and ninety-one cents, making an aggregate sum of only thirty-three thousand two hundred and ninety-three dollars and ninety-six cents accounted for; and the said ——— did, in and by rendering a false and fraudulent return of balances to his credit, as set forth in the first specification of charge one of these charges, convert to his own use the sum of six thousand two hundred and seventy-nine dollars and nine cents, or thereabouts, from moneys of the United States in his custody, said sum being the difference between the amount for which he was accountable to the United States and the amount accounted for as aforesaid."

Specification.—"In that the said ———, a pay clerk in the United States Navy, attached to and serving as such on board the United States steamer ———, at the navy yard, ———, having, on various dates between July fifteenth, eighteen hundred and ninety-three, and October tenth, eighteen hundred and ninety-four, been entrusted by Paymaster ———, United States Navy, the paymaster of said vessel, with sums of money belonging to the United States, in various amounts, furnished and intended for the naval service thereof, for disbursement for the purposes of said service during the temporary absence of said Paymaster ——— from the vessel, and having, on the first day of October, eighteen hundred and ninety-four, receipted to the said Paymaster ——— for money so entrusted to his care as aforesaid in the sum of two thousand seven hundred and one dollars and forty-four cents, did, between the said fifteenth day of July, eighteen hundred and ninety-three, and tenth day of October, eighteen hundred and ninety-four, knowingly and willfully misappropriate and apply to his own use and benefit, from the money so intrusted to him at various times as aforesaid, the sum of nineteen hundred and seventy-one dollars and eleven cents or thereabouts, lawful money of the United States: this in violation of Article Fourteen of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a colonel in the United States Marine Corps, being in command of the marine barracks, navy yard, ———, and in such capacity having in his possession certain public stores of the United States, including coal, furnished and intended for the use of troops, hospital, guard room, and offices at said barracks, and duly entrusted to his charge for issue for said purposes, did, between the first day of October, eighteen hundred and ninety-three, and the sixth day of March, eighteen hundred and ninety-five, both dates inclusive, in violation of said trust, embezzle, and knowingly and willfully apply to his own use and benefit, forty-eight tons, more or less, of anthracite coal, a portion of the aforesaid public stores, by using the same for the purpose of heating his, the said ——— private quarters at said barracks, the said coal aggregating in value two hundred and two dollars and eight cents, or thereabouts, lawful money of the United States."

CHARGE.—"Falsehood."

Specification.—"In that the said ———, a passed assistant surgeon in the United States Navy, member and recorder of a board of medical examiners, in session at the naval hospital, navy yard, ———, having, on or about the thirteenth day of October, eighteen hundred and ninety-three, refused, on account of alleged informalities, to record the proceedings had by said board in the case of Ensign ———, United States Navy, did, on said date, state to Medical Inspector ———, United States Navy, president of said examining board, that he, ———, had referred the matter of his action in refusing to record the proceedings of the board as aforesaid to the Secretary of the Navy, who had sustained his action in so refusing, which said statement was wholly false, as he, the said ———, well knew: this to the scandal and disgrace of the United States naval service."

Specification.—"In that the said ———, a colonel in the United States Marine Corps, being in command of the marine barracks, navy yard, ———, well knowing that the northwest chimney of the building at said barracks

occupied as officers' quarters was in a dangerous condition, such fact having been officially reported to him by First Lieutenant ———, United States Marine Corps, on the second day of April, eighteen hundred and ninety-five, and having, on or about the tenth day of April, eighteen hundred and ninety-five, received from the Colonel Commandant of the United States Marine Corps a telegram of that date, substantially as follows: * * * did on the same day, send to said Colonel Commandant a telegram in reply substantially as follows: * * * , the said ——— well knowing that the first order given by him to discontinue the use of said defective chimney was not issued until the tenth day of April, eighteen hundred and ninety-five, and that so much of his aforesaid telegram as stated that he had ordered discontinuance of the use of the said chimney as soon as the defect was discovered therein was wholly false."

CHARGE.—"Leaving post before being regularly relieved."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, having, at or about eleven o'clock postmeridian on the fourth day of June, eighteen hundred and ninety-four, been regularly posted as a sentinel on post number four at said navy yard, did, at or about one o'clock antemeridian on the fifth day of said month, leave said post before being regularly relieved."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on the eleventh day of September, eighteen hundred and ninety-four, been regularly posted as sentinel over the scuttlebutt of said vessel, did, between the hours of six and eight postmeridian on said day, leave said post before being regularly relieved."

CHARGE.—"Leaving station before being regularly relieved."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the morning of the twenty-second day of October, eighteen hundred and ninety-four, while acting as corporal of the guard at the main gate at said yard, absent himself from his station before being regularly relieved, and did remain so absent for a period of about twenty minutes."

CHARGE.—"Making a false and fraudulent official report, in violation of Article Fourteen of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a paymaster in the United States Navy, attached to and serving as such on board the United States receiving ship ———, at the navy yard, ———, did, on the thirteenth day of May, eighteen hundred and ninety-three, when his accounts as pay officer of said receiving ship ——— were being inspected, and the cash on hand in his possession as such pay officer was being verified by Pay Inspector ———, United States Navy, in obedience to a telegraphic order from the Secretary of the Navy to the said ———, dated May twelfth, eighteen hundred and ninety-three, acknowledge to the said ——— that he, the said ———, was indebted to the United States in the sum of nine thousand eight hundred and ninety-six dollars and eighty-seven cents on account of money had and received under 'General Account of Advances;' and,

whereas, the said ———, did have on hand, in cash, on board the said receiving ship ———, on the said thirteenth day of May, the total amount of one thousand seven hundred and forty-three dollars and eighty-five cents, and on deposit to his credit in the subtreasury at New York, the sum of fifty-four dollars and six cents, and in the subtreasury at San Francisco the sum of six hundred and thirty-two dollars and sixty-three cents, making a total amount of six hundred and eighty-six dollars and sixty-nine cents, subject to his check in the aforesaid subtreasuries, and an aggregate of only two thousand four hundred and thirty dollars and fifty-four cents accounted for, he, the said ———, did then and there officially report to the said ——— that on the said thirteenth day of May, eighteen hundred and ninety-three, there was on deposit to his credit as pay officer of the said receiving ship ———, in the subtreasury at New York, the sum of seven thousand six hundred and three dollars, the said ——— well knowing that said report was false and fraudulent."

CHARGE.—"Making and using false papers, in violation of article fourteen of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a colonel in the United States Marine Corps, being in command of the marine barracks, navy yard, ———, having, on the third day of October, eighteen hundred and ninety-three, made a requisition on Major ———, quartermaster, United States Marine Corps, in words and figures substantially as follows: * * * , and the said quartermaster of the Marine Corps having, on the fifth day of the same month, the public exigency requiring the immediate delivery of the articles enumerated in said requisition, ordered that they be procured by open purchase, and the said ——— having purchased from ———, Fulton street, Brooklyn, New York, * * * , did on or about the twenty-fourth day of October, eighteen hundred and ninety-three, in order to obtain the approval, and payment to said firm for such articles, of its claim against the United States, prepare and forward to the said quartermaster, United States Marine Corps, an open-purchase voucher, in words and figures substantially as follows: * * * , the said ——— well knowing that of the articles enumerated in said voucher, * * * were not purchased, inspected and received by him at the navy yard, ———, and, therefore, that the certificates on said voucher made and signed by him that the said articles were so purchased, inspected, and received were false."

CHARGE.—"Negligence in obeying orders, in violation of the ninth clause of the eighth article of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a first lieutenant in the United States Marine Corps, attached to the marine barracks, navy yard, ———, having, on the ninth day of December, eighteen hundred and ninety-three, been duly discharged from attendance as a witness before a court of inquiry in session at the navy yard, ———, with orders to proceed to his station, did neglect and fail to report in obedience thereto until about four hours and thirty minutes postmeridian on the fifteenth day of said month; and the said ——— was thereby negligent in obeying orders."

CHARGE.—"Neglect of duty."

Specification.—"In that, on the second day of February, eighteen hundred and ninety-four, the said ———, a lieutenant in the United States Navy,

attached to and serving as navigator on board the United States flagship ———, making passage from ——— to ———, did, although the weather permitted, neglect and fail to obtain the local deviation of the compass of said steamer; and the said lieutenant ——— did thereby neglect his duty as navigator of said vessel."

CHARGE.—"Resisting arrest."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, did, at about four hours and thirty minutes post-meridian on the twenty-fourth day of August, eighteen hundred and ninety-four, while being placed in confinement by ———, master at arms, first class, United States Navy, forcibly resist arrest."

CHARGE.—"Refusing to obey the lawful order of his superior officer."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving on board the United States steamer ———, in about latitude twenty-two degrees three minutes south, and longitude ninety degrees fifteen minutes west, having, on the twelfth day of February, eighteen hundred and ninety-four, been ordered by the executive officer of said vessel, Lieutenant ———, United States Navy, to clean bright work, did refuse to obey, and did willfully disobey, the said lawful order of his superior officer, the said Lieutenant ———, United States Navy, who was then and there in the execution of the duties of his office."

Specification.—"In that the said ———, a seaman in the United States Navy, attached to and serving on board the United States steamer ———, at ———, having, on the sixth day of June, eighteen hundred and ninety-four, while on shore at said place as a member of a landing party for the protection of the United States consulate, been ordered by Naval Cadet ———, United States Navy, his superior officer, to cease being noisy and disorderly, did refuse to obey and did willfully disobey the said lawful order of his superior officer, the said Naval Cadet ———, United States Navy, who was then and there in the execution of the duties of his office."

CHARGE.—"Rendering false and fraudulent returns of balances to his credit, in violation of article fourteen of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a paymaster in the United States Navy, while attached to and serving as such on board the United States steamer ———, a vessel belonging to the United States naval force on the Pacific station, did render to the Bureau of Supplies and Accounts, Navy Department, a monthly summary statement for the month ending August thirty-first, eighteen hundred and ninety-one, in which he reported that, of the balance due to the United States by him as pay officer of the said steamer ———, there was on deposit in the subtreasury under 'General Account of Advances,' on the said thirty-first day of August, eighteen hundred and ninety-one, the sum of twenty-four thousand two hundred and six dollars; whereas, on the said date there was on deposit to his credit, in the subtreasury at New York, the sum of seven thousand seven hundred and three

dollars and thirty-three cents, with outstanding checks against said credit amounting to six hundred and twenty-five dollars, and in the subtreasury at San Francisco the sum of thirteen thousand five hundred and eighty-seven dollars and fifty-eight cents, with outstanding checks against said credit amounting to one thousand seven hundred and sixty-nine dollars and ninety cents; and, whereas, there remained subject to check by the said ——— in the subtreasury at New York the sum of seven thousand and seventy-eight dollars and thirty-three cents, and in the subtreasury at San Francisco the sum of eleven thousand eight hundred and seventeen dollars and sixty-eight cents, making a total amount of only eighteen thousand eight hundred and ninety-six dollars and one cent subject to his check in the aforesaid subtreasuries, the said ——— did, in and by said summary statement, knowingly and willfully render a false and fraudulent return of balances to his credit in the subtreasuries at New York and San Francisco, as aforesaid."

CHARGE.—"Sleeping on post."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, having, on the seventh day of August, eighteen hundred and ninety-four, been regularly posted as a sentinel on post number five at said navy yard, did sleep while on said post."

CHARGE.—"Scandalous conduct, tending to the destruction of good morals."

Specification.—"In that the said ———, a warrant officers' steward in the United States Navy, attached to and serving on board the United States flagship ———, at the navy yard, ———, having, in addition to his duties as steward of the warrant officers' mess of said vessel, been assigned to the duties of steward of the steerage mess, and having, in his capacity as such steerage steward, received from Naval Cadet ———, United States Navy, attached to said vessel, caterer of the mess last above mentioned, between August thirty-first and September twenty-fifth, eighteen hundred and ninety-four, the sum of three hundred and twenty-five dollars and seventy-four cents for the purpose of making the purchases of all supplies for said steerage mess, did, notwithstanding his instructions to the contrary, purchase supplies on credit from one ———, of number one hundred and ninety-one Gold street, Brooklyn, New York, in the amount of one hundred and sixty-five dollars and forty-one cents, and from one ———, on the corner of Gold and High streets, Brooklyn, New York, in the amount of fifty-five dollars, making a total of two hundred and twenty dollars and forty-one cents, and he, the said ———, did therein and thereby willfully misappropriate the said sum of two hundred and twenty dollars and forty-one cents: this to the scandal and disgrace of the naval service."

Specification.—"In that the said ———, a ship's writer in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, did, on or about the eighteenth day of April, eighteen hundred and ninety-four, represent to ———, a fireman, first class, in the United States Navy, attached to said vessel, that the sum of one hundred dollars was necessary to be paid to him, ———, for the purpose of influencing certain parties to procure said ———'s transfer to the United States receiving ship ———, under the provisions of article eight hundred and ninety-eight, United States Navy Regulations,

eighteen hundred and ninety-three, and did, by said representation, procure from said ——— the said sum of one hundred dollars for said purpose: this to the scandal and disgrace of the naval service."

Specification.—"In that the said ———, a ship's writer in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, having, on or about the eighteenth day of April, eighteen hundred and ninety-four, procured from ———, a fireman, first class, in the United States Navy, attached to said vessel, the sum of one hundred dollars, as set forth in the first specification of this charge, and having, on or about the twenty-ninth day of said month, been reproached by the said ——— for not procuring his transfer to the United States receiving ship ———, did refund the sum of ten dollars only, and did then and there withhold, and has ever since withheld, from said ——— the remainder of said money, to wit, the sum of ninety dollars or thereabouts: this to the scandal and disgrace of the naval service."

CHARGE.—"Theft, in violation of the eighth article of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the fifteenth day of August, eighteen hundred and ninety-four, feloniously take, steal, and carry away from the locker of ———, private, United States Marine Corps, money to the amount of one dollar and eighty-nine cents, the property of said ———, private, United States Marine Corps, attached to said barracks, and did then and there appropriate the same to his own use."

Specification.—"In that the said ———, a ship's cook, first class, in the United States Navy, attached to and serving on board the United States steamer ———, at the navy yard, ———, did, on or about the twenty-first day of May, eighteen hundred and ninety-four, feloniously take, steal, and carry away from a drawer in the galley of said vessel, a gold watch of about sixty dollars in value, the property of ———, ship's cook, fourth class, United States Navy, attached to said vessel, and did then and there appropriate the same to his own use."

CHARGE.—"Through negligence, suffering a vessel of the Navy to be run upon a reef and stranded."

Specification.—"In that, on the second day of February, eighteen hundred and ninety-four, the said ———, a commander in the United States Navy, being in command of the United States flagship ———, making passage from ——— to ———, did, when about fifty-five miles to the northward and eastward of ——— Bank, in the ——— Sea, shape, and did subsequently maintain a course of west-southwest three-quarters west, which said course lay close to a dangerous reef and cay, surrounded by strong currents well known to exist, and did neglect and fail to exercise proper care and attention in navigating said vessel while approaching said reef and cay, in that he neglected and failed to lay a course which would surely carry a vessel clear of said reef and cay, or to change course in due season to avert disaster, in consequence of which neglect and failure on the part of the said Commander ——— the said steamer ——— was, at about six hours and

fifty minutes postmeridian, on the day aforesaid, run upon the north end of ——— Bank, in the ——— Sea, in about latitude thirteen degrees thirty-four minutes north and longitude eighty degrees five minutes west, and was stranded."

CHARGE.—"Using profane, abusive, and threatening language toward his superior officer."

Specification.—"In that the said ———, a fireman, second class, in the United States Navy, attached to and serving on board the United States receiving ship ———, at the navy yard, ———, did, on the twenty-fifth day of February, eighteen hundred and ninety-four, while receiving treatment in the sick bay of said vessel, use profane, abusive, and threatening language toward Assistant Surgeon ———, United States Navy, his superior officer."

CHARGE.—"Using profane, obscene, and abusive language toward another person in the service."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, on the twenty-seventh day of September, eighteen hundred and ninety-four, while confined in the guardroom at said barracks, use profane, obscene, and abusive language toward Corporal ———, United States Marine Corps, attached to said barracks."

CHARGE.—"Using obscene and threatening language toward another person in the service."

Specification.—"In that the said ———, a private in the United States Marine Corps, attached to and serving at the marine barracks, navy yard, ———, did, at about nine hours and thirty minutes postmeridian on the twenty-first day of December, eighteen hundred and ninety-three, use obscene and threatening language toward Sergeant ———, United States Marine Corps, the sergeant of the guard at said barracks."

CHARGE.—"Using abusive and threatening language toward his superior officer."

Specification.—"In that the said ———, a seaman in the United States Navy, did, at about five hours and forty-five minutes postmeridian on the sixteenth day of February, eighteen hundred and ninety-four, while a boatswain's mate in the United States Navy, and a patient in the United States naval hospital at ———, use abusive and threatening language toward Assistant Surgeon ———, United States Navy, his superior officer."

CHARGE.—"Using abusive, obscene, and threatening language toward his superior officer."

Specification.—"In that the said ———, a private in the United States Marine Corps, a patient in the naval hospital, ———, did, at or about five hours postmeridian on the eighth day of May, eighteen hundred and ninety-four, while being removed, by order of Passed Assistant Surgeon ———, United States Navy, from one of the wards to another room in said hospital, use abusive, obscene, and threatening language toward the said Passed Assistant Surgeon ———."

CHARGE.—"Violation of a lawful regulation issued by the Secretary of the Navy."

Specification.—"In that the said _____, a captain in the United States Navy, being in command of the United States receiving ship _____, at _____, having, on the twenty-second day of March, eighteen hundred and ninety-four, had referred to him by the Bureau of Navigation, Navy Department, a copy of a letter which had been received by said Bureau from Captain _____, United States Navy, commandant of the naval station, _____, as follows: * * * ; and having been called upon by said Bureau for an explanation of the facts mentioned in the said letter of the commandant of the naval station, _____, above referred to, did, on the twenty-sixth day of March, eighteen hundred and ninety-four, address a communication to the commandant of the navy yard and station, New York, in the words and figures following: * * * ; in which said letter he, the said Captain _____, did express an opinion upon and impugn the motives of the said Captain _____: this in violation of a lawful regulation issued by the Secretary of the Navy, to wit, Article one thousand and thirty-one of the Regulations for the Government of the Navy of the United States, eighteen hundred and ninety-three."

CHARGE.—"Violation of the seventeenth clause of the eighth article of the Articles for the Government of the Navy."

Specification.—"In that the said _____, a passed assistant paymaster in the United States Navy, while attached to and serving as such on board the United States ship _____, a vessel of the training squadron, well knowing that _____, paymaster's clerk of said ship, had, on or about the thirtieth day of June, eighteen hundred and ninety-two, deserted from said ship and from the naval service, and that the said _____ was then in desertion, and well knowing that the said _____ had expressed an intention of returning to said ship, did, on or about the eleventh day of July, eighteen hundred and ninety-two, instruct paymaster's yeoman _____, United States Navy, attached to said ship, to write to said _____, in order to prevent the return of said _____ to said ship."

CHARGE.—"Violation of the fifth clause of the fourteenth article of the Articles for the Government of the Navy."

Specification.—"In that the said _____, a passed assistant paymaster in the United States Navy, while attached to and serving as such on board the United States ship _____, a vessel of the training squadron, having, on or about the fifteenth day of January, eighteen hundred and ninety-two, received through the commanding officer of said ship a certificate for the sum of sixty dollars, or thereabouts, in United States money, in payment of an indemnity for loss of clothing, issued by the Auditor for the Navy Department in favor of _____, seaman, attached to said ship, and he, the said _____, well knowing that the said _____ was, at the time of the receipt by him, the said _____, of said certificate, a deserter from the United States naval service, did, nevertheless, for the purpose of obtaining allowance, in his accounts, of the said claim of sixty dollars, or thereabouts, by the accounting officers of the Treasury, present, among his official vouchers, the aforesaid certificate, bearing thereon what purported to be the signature of the said _____, he, the said _____, well knowing that the said signature was a forgery."

CHARGE.—"Violation of the sixth clause of the fourteenth article of the Articles for the Government of the Navy."

Specification.—"In that the said ———, a passed assistant paymaster in the United States Navy, while attached to and serving as such on board the United States ship ———, a vessel of the training squadron, having, during the period embraced between the first of July, eighteen hundred and ninety-one, and the thirtieth of June, eighteen hundred and ninety-two, both days inclusive, paid, from the public funds in his charge, to the following-named enlisted men belonging to the crew of said ship, the respective amounts hereinafter specified, to wit: ———, landsman, ten dollars and twenty dollars; ———, seaman, five dollars, five dollars, and five dollars; ———, captain of top, ten dollars and eleven dollars; ———, landsman, one dollar and ten dollars; ———, quartermaster, eight dollars, five dollars, and five dollars; ———, ordinary seaman, five dollars; ———, bugler, twenty-two dollars, thirteen dollars, and seven dollars; ———, seaman, thirty dollars and ten dollars; ———, captain of top, five dollars and thirty-one dollars; ———, coxswain, thirteen dollars, five dollars, and one dollar and fifty cents; and ———, warrant officers' cook, six dollars and nine cents and four dollars, did cause the said enlisted men to receipt in each of the aforesaid cases on the pay rolls of said ship for a larger amount than they had received: this in violation of the sixth clause of the fourteenth article of the Articles for the Government of the Navy."

NOTE.—When the time and place at which the offense was committed are not precisely known it is the practice to describe the offense as having been committed "on or about" a certain date, and "at or near" a certain locality named; the date and locality specified being the nearest ascertainable.

SUMMARY COURTS-MARTIAL.

Incidents of a Trial by Summary Court-Martial.

1. Court meets.
2. Court cleared to consider specification and preliminary matters.
3. Court opened.
4. Accused introduced.
5. Does accused desire counsel, and if yea, counsel introduced.
6. Has accused received a copy of the specification, if yea, when?
7. Convening order read aloud.
8. Does accused object to any member mentioned in order?
9. Members sworn.
10. Recorder sworn.
11. Is accused ready for trial?
12. All witnesses directed to withdraw.
13. Specification read aloud by recorder.
14. Prosecution begins.
15. Prosecution closes.
16. Defense begins.
17. Defense closes.
18. Rebuttal.
19. Trial finished.
20. Court closed for deliberation.
21. Recorder recalled to record finding.
22. Court opened to receive evidence of previous conviction.
23. Court closed.
24. Recorder recalled to record sentence.
25. Record signed.
26. Court opened.
27. Adjournment.

CASE NO. —

A—— B——,
Seaman, U. S. Navy,
U. S. F. S. New York,
Navy Yard, New York,
December 15, 1895.

Proceedings of a Summary Court-Martial convened on board the
U. S. F. S. *New York*, by order of Captain C—— D——, U. S. Navy.

PROCEEDINGS OF A SUMMARY COURT-MARTIAL.

Order convening a Summary Court-Martial.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,

December 12, 1895.

SIR:

A summary court-martial is hereby ordered to convene on board this vessel on Wednesday, the 15th day of December, 1895, or as soon thereafter as may be practicable, for the trial of A— B—, seaman, U. S. Navy, and of such other persons as may be legally brought before it.

The court will be composed of yourself as senior member and of the following-named officers:

First Lieutenant G— H—, U. S. Marine Corps,
Ensign K— L—, U. S. Navy, members, and
Ensign M— N—, U. S. Navy, recorder.

C— D—,
Captain, U. S. Navy,
Commanding U. S. F. S. New York.

Lieutenant E— F—,
U. S. Navy,
U. S. F. S. New York,
Navy Yard, New York.

NOTE.—When the court is ordered by the marine officer commanding barracks, the order should be signed by him with his proper rank as commandant of the marine barracks.

Specification for trial by Summary Court-Martial.

SPECIFICATION OF OFFENSES PREFERRED BY CAPTAIN C— D—, U. S. NAVY,
COMMANDING U. S. F. S. NEW YORK, AGAINST A— B—, SEAMAN, U. S.
NAVY.

Specification.—"In that the said A— B—, a seaman in the United States Navy, attached to and serving on board the United States flagship *New York*, at the navy yard, New York, did, at or about ten hours postmeridian on the twelfth day of December, eighteen hundred and ninety-four, attempt to smuggle on board said vessel two flasks containing intoxicating liquor; and, furthermore, that he, the said A— B—, seaman, U. S. Navy, did, etc."

Approved:

C— D—,
Captain, U. S. Navy,
Commanding U. S. F. S. New York.

U. S. F. S. NEW YORK,
Navy Yard, New York,
December 12, 1895.

I certify that a true copy of the specification was furnished the accused on the — day of —, 1895, at — o'clock.

M— N—,
Ensign, U. S. Navy,
Recorder.

NOTE.—The specimen form of specifications under general courts-martial procedure should be followed in preparing specifications for summary courts-martial as far as practicable.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK.

10.30 a. m., December 15, 1895.

The court met pursuant to order.

Present:

Lieutenant E. F	U. S. Navy,
First Lieutenant G. H.....	U. S. Marine Corps,
Ensign K. L.....	U. S. Navy, members, and
Ensign M. N.....	U. S. Navy, recorder.

VAR. 1. The court met pursuant to adjournment of yesterday. Present, etc.

VAR. 2. The court having finished with the case of X— Y—, seaman, U. S. Navy, proceeded with the next case before it. Present, etc.

VAR. 3. * * * Ensign K— L—, U. S. Navy, a member of the court, was absent on account of being sick (or other cause).

The court, being reduced below the number authorized by law, adjourned until 10 a. m. to-morrow, the — instant.

VAR. 4. * * * The court being reduced below the number authorized by law, informed the convening authority to that effect and then took a recess until 11.30 a. m. the same date, when it reconvened. Present: The members last above mentioned, the recorder, and Assistant Engineer T— S—, U. S. Navy, appointed a member by the convening authority *vice* Ensign H— K—, U. S. Navy, relieved.

The letter of appointment of Assistant Engineer T— S—, U. S. Navy, is hereto prefixed, marked “—.”

The court was then cleared for the examination of the specification and the consideration of all matters preliminary to trial, the recorder withdrawing, and, after deciding upon these, was opened, the recorder entered, and proceeded with the case of A— B—, seaman, U. S. Navy.

NOTE.—If the recorder has noted any technical or other error in the specification, he should bring it to the attention of the court before withdrawing and make a minute thereof in the record.

VAR. 1. * * * was opened, the recorder entered and was directed to note in the record that the specification had been returned to the convening authority, because, in the opinion of the court, it was defective, in that (state reason). The court then adjourned to await the action of the convening authority. At 1 p. m. on the same day the court met pursuant to adjournment. Present: All the members and the recorder. The court was closed and proceeded to examine the revised specification, after which it was opened; the recorder appeared, and was directed by the senior member to correct the specification in the hands of the accused, to agree with that revised by the convening authority; the court then proceeded with the case of — — —.

VAR. 2. * * * Present: All the members and the recorder. The convening authority having directed the court to proceed with the specification as originally preferred by him, the case of A— B—, seaman, U. S. Navy, was accordingly proceeded with.

The accused, A—— B——, seaman, U. S. Navy, appeared, and, in response to an inquiry of the recorder, stated that he did not desire counsel.

VAR. A—— B——, seaman, U. S. Navy, appeared and in response to an inquiry of the recorder, requested that Lieutenant P—— Q——, U. S. Navy, act as his counsel. The request was granted and Lieutenant P—— Q——, U. S. Navy, accordingly took his seat as counsel. In case of objection to counsel, proceed as under General Courts-Martial.

The accused stated that he had received a copy of the specification preferred against him at 10.30 a. m., December 14, 1895, and that he was ready for trial.

VAR. * * * but requested to be allowed until 10 a. m. the following day to make further preparations for his defense, necessitated by changes in said specification (or other cause). This request being granted, the court accordingly adjourned, etc.

The recorder read aloud the order convening the court, the original of which is hereto prefixed marked “—.”

VAR. 1. The recorder read aloud the order convening the court, the original of which is prefixed to the record in the case of —— ——, U. S. Navy.

VAR. 2. The recorder then read aloud the order convening the court, and the order appointing Assistant Engineer T—— S—— a member, *vice* Ensign G—— H——, relieved, the originals of which are prefixed, marked, respectively, “—” and “—.”

The recorder then asked the accused if he objected to being tried by any member present, to which he replied in the negative.

VAR. 1. The recorder then asked the accused if he objected to being tried by any member present, to which he replied that he objected to First Lieutenant G—— H——, U. S. Marine Corps, for the following reasons (here insert reason).

First Lieutenant G—— H——, U. S. Marine Corps, replied to the objection as follows (here insert reply if made).

The court was cleared for the consideration of the challenge, the challenged member, the recorder, the accused (and counsel) withdrawing.

After due deliberation the court was opened, the challenged member, the recorder, the accused (and counsel) resumed their seats. The senior member announced that the objection of the accused was not sustained.

VAR. 2. * * * The senior member announced that the objection of the accused was sustained and would be communicated to the convening authority. Pending a reply from the convening authority, the court adjourned until 10 a. m. to-morrow, the 16th instant.

VAR. 3. * * * When the court reconvened (if on subsequent day): Present, etc. The recorder read aloud an order from the convening authority, directing the court to proceed as originally constituted, which order is prefixed, marked “—.”

VAR. 4. * * * The recorder read aloud an order appointing Lieutenant O— S—, U. S. Navy, a member, vice First Lieutenant G— H—, U. S. Marine Corps, relieved. Original prefixed, marked “—.”
The accused had no further objections to offer.

The members were then duly sworn by the recorder and the recorder was duly sworn by the senior member, all of which oaths were administered according to law and in the presence of the accused.

Oath administered to the members:

You, A— B—, do swear (or affirm) that you will well and truly try without prejudice or partiality the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and your own conscience.

Oath administered to the recorder:

You, M— N—, do swear (or affirm) that you will keep a true record of the evidence which shall be given before this court, and of the proceedings thereof.

The recorder directed that all witnesses withdraw, and then read aloud the specification of offenses against the accused, A— B—, seaman, U. S. Navy, the original of which is hereunto prefixed, marked “—.”

[NOTE.—The accused is not called on to plead, but is considered as having pleaded “not guilty,” and if he voluntarily pleads “guilty,” the court will proceed as if he had pleaded “not guilty.” In case a plea in bar of trial is offered, the court should hear it fully and consider it when coming to a finding, as it is the duty of the court to try the case.]

The prosecution began.

[NOTE.—If the senior member is called as a witness he is sworn by the member next in rank. If a member or the recorder is a witness for the prosecution, he shall be the first witness examined.]

Oath administered to the witness:

You, ———, do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the specification: So help you God (or this you do under the pains and penalties of perjury).

R— S—, chief master at arms, U. S. Navy, was called as a witness for the prosecution, and after being duly sworn by the senior member, in the presence of the accused, testified as follows:

VAR. 1. The accused objected to the competency of R— S— as a witness for the following reasons (here state reasons).

The court was closed, the recorder, the accused (and counsel) withdrawing. The court was opened and the above-mentioned entered and resumed their seats. The senior member announced that the objection of the accused was not sustained, whereupon witness was duly sworn, etc.

VAR. 2. * * * The senior member announced that the objection of the accused was a valid one and that he, R—[S—, would not be permitted to testify, whereupon he withdrew.

The recorder read the specification to the witnesses.

[NOTE.—When the specification is so worded as to instruct the witness in the minute details of the offenses charged, it should not be read to him.]

Examination in chief by the recorder:

1. Q. What is your name, rate, and present station?

A. R— S—, chief master at arms, U. S. Navy, serving on board the U. S. F. S. *New York*, at the navy yard, New York.

2. Q. Do you recognize the accused, and if so, as whom?

A. I do; as A— B—, seaman, U. S. Navy, serving on board the U. S. F. S. *New York*.

3. Q. * * *

A. * * *

Cross-examination by the accused:

15. Q. * * *

A. * * *

Redirect examination by the recorder:

25. Q. * * *

A. * * *

Re-cross-examination by the accused:

30. Q. * * *

A. * * *

Examination by the court:

35. Q. * * *

A. * * *

(—) Q. * * *

VAR. 1. The accused (recorder) (member) objected to this question for the following reasons (here state reasons).

The recorder (accused) replied as follows (here state reply).

The court was cleared, the recorder, the accused (counsel), and the witness withdrawing. The court, after due deliberation, was opened, and the recorder, the accused (counsel), and the witness entered. The senior member announced that the objection was (not) sustained.

The question was accordingly (not) asked.

VAR. 2. Question by a member:

(—) Q. * * *

This question was objected to by a member for the following reason (here state reason).

The court was closed, the recorder, the accused (counsel), and the witness withdrawing. After due deliberation the court was opened; the recorder, the accused (counsel), and the witness appeared. The senior member announced that the objection of the member was (not) sustained. (If the objection is not sustained and the question is asked it

then becomes a "question by the court" and is so recorded, but if the objection is sustained, the question is recorded as a "question by a member" and is not answered.)

VAR. 8. The accused and the court had no questions to ask this witness.

There being no further questions to ask this witness his testimony was read aloud to him, and by him pronounced to be correct, and, after being cautioned by the senior member not to converse upon matters pertaining to the trial, he withdrew.

VAR. There being no further questions to ask this witness, his testimony was read aloud to him, whereupon he requested to amend his answer to question 25, so as to read as follows: * * * The witness pronounced his testimony as amended to be correct, and, after having been cautioned by the senior member not to converse upon matters pertaining to the trial, he withdrew.

The court then, at 12 m., took a recess until 1 p. m., at which hour it reconvened. Present: All the members, the recorder, and the accused (counsel).

All witnesses were directed to withdraw.

Lieutenant T—— U——, U. S. Navy, was called as a witness on the part of the prosecution and, being duly sworn, etc.

Examination in chief by the recorder:

(1) Q. * * *

The witness requested permission before answering this question to refresh his memory by referring to an entry made by him in the ship's log, which request was granted, whereupon he answered as follows:

A. * * *

The accused and the court had no questions to ask this witness. The recorder read aloud the testimony, etc.

The prosecution here closed.

The defense began.

C—— X——, seaman, U. S. Navy, a witness for the defense, appeared and after being duly sworn, etc.

Examination in chief by accused:

Q. * * *

A. * * *

Cross-examination by the recorder:

Q. * * *

A. * * *

There being no further questions to ask, etc.

The accused did not desire to call any further witnesses for the defense or to make any statement, (or) but made an oral statement in substance as follows (here insert statement).

The defense here closed and the trial was finished.

Or—

The rebuttal began.

X— T—, seaman, U. S. Navy, a witness for the prosecution in rebuttal, was then duly sworn, etc.

The rebuttal closed.

The trial was finished.

The court was closed, the recorder, the accused (counsel) withdrawing, and maturely considered the evidence adduced. The recorder was called before the court and instructed to record the finding and sentence as follows:

“The court finds the specification proved.”

VAR. The court finds the specification proved in part; proved except the words “ * * * ,” which words are not proved, and for the excepted words the court substitutes the words “ * * * ,” which words are proved.

NOTE.—(In case the recorder has evidence of previous convictions of the accused.) Before the court is closed for deliberation the recorder should request of the court that in case it finds the specification proved, or proved in part, the court should be opened, and in the presence of the accused the recorder should be asked to introduce evidence of previous convictions, if such exist. The evidence of previous convictions is introduced by the recorder reading to the court extracts from the log or other authority, promulgating the action of the court. An entry in the record that this was done is sufficient; the extract must not be prefixed to the record as documentary evidence, as the Navy Regulations do not permit summary courts-martial to receive documentary evidence.

The court does therefore sentence him, the said A— B—, seaman, U. S. Navy, to the following punishment:

“Solitary confinement in single irons, on bread and water for twenty (20) days, with full ration every fifth (5th) day; to perform extra police duties for one month, and to lose twenty (20) days’ pay, amounting to fifteen dollars (\$15.00).”

E— F—, *Lieutenant, U. S. Navy, Senior Member.*

O— S—, *Lieutenant, U. S. Navy, Member.*

K— L—, *Ensign, U. S. Navy, Member.*

M— N—, *Ensign U. S. Navy, Recorder.*

VAR. The court finds the specification not proved.

The court does therefore acquit him the said A— B—, seaman, U. S. Navy, of the offense (offenses) specified.

E— F—, *Lieutenant, U. S. Navy, Senior Member.*

O— S—, *Lieutenant, U. S. Navy, Member.*

K— L—, *Ensign, U. S. Navy, Member.*

M— N—, *Ensign, U. S. Navy, Recorder.*

By direction of the court the following recommendation to clemency was spread on the record:

"In view of * * *, we, the undersigned, members of the court, respectfully recommend the accused to the clemency of the revising authority."

O— S—,

Lieutenant, U. S. Navy, Member.

K— L—, *Ensign, U. S. Navy, Member.*

The court having no further cases before it, then, at 3 p. m., adjourned to await the action of the convening authority.

E— F—, *Lieutenant, U. S. Navy,*

Senior Member.

M— N—, *Ensign, U. S. Navy,*

Recorder.

VAR. The court having finished the case of A— B—, seaman, U. S. Navy, then, at 3 p. m., adjourned until 10 a. m. to-morrow, the 16th instant (or took up the case of C— D—, apprentice, first class, U. S. Navy).

E— F—, *Lieutenant, U. S. Navy, Senior Member.*

M— N—, *Ensign, U. S. Navy, Recorder.*

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,

December 17, 1895.

From an examination of A— B—, seaman, U. S. Navy, and of the place where he is to be confined, I am of opinion that the execution of the above sentence would (not) produce serious injury to his health.

X— T—,

Surgeon, U. S. Navy, and

Senior Medical Officer Present.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,

December 17, 1895.

The proceedings and sentence in the case of A— B—, seaman, U. S. Navy, are approved.

That part of the sentence which involves loss of pay is respectfully referred to the Secretary of the Navy.

C— D—,

Captain, U. S. Navy, Commanding

U. S. F. S. New York,

(and Senior Officer Present.)

VAR. 1. The proceedings in the case of A— B—, seaman, U. S. Navy, are approved. The sentence is disapproved because (give reason), and A— B—, seaman, U. S. Navy, is released from confinement and restored to duty.

C— D—,

Captain, U. S. Navy, etc.

VAR. 2. The proceedings and sentence in the case of A— B—, seaman, U. S. Navy, are disapproved.

C— D—,
Captain, U. S. Navy, etc.

VAR. 3. The proceedings and sentence in the case of A— B—, seaman, U. S. Navy, are approved, but in view of the recommendation to clemency, signed by a majority of the members of the court, the loss of pay is reduced to ——— (or, is remitted), and as thus mitigated is respectfully referred to the Secretary of the Navy.

C— D—,
Captain, U. S. Navy, etc.

VAR. 4. The proceedings and acquittal in the case of A— B—, seaman, U. S. Navy, are approved, and he will be released from confinement and restored to duty.

C— D—,
Captain, U. S. Navy, etc.

VAR. 5. The proceedings in the case of A— B—, seaman, U. S. Navy, are approved. The acquittal is disapproved. A— B—, seaman, U. S. Navy, will be released from confinement and restored to duty.

C— D—,
Captain, U. S. Navy, etc.

VAR. 6. The proceedings and sentence in the case of A— B—, seaman, U. S. Navy, are approved, but in view of the opinion of P. A. Surgeon ——— that the confinement will be seriously injurious to the health of the accused, that part of the sentence which requires his confinement is remitted, and he will be released from confinement and restored to duty.

That part of the sentence which involves loss of pay, etc.

C— D—,
Captain, U. S. Navy, etc.

In case sentence involves bad-conduct discharge.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,
December 17, 1895.

It appears from his enlistment record that A— B—, seaman, U. S. Navy, has served in the navy — years, and that during this current enlistment he has committed the following offenses:

June 1, 1893.—Drunk on board ship.

August 30, 1893.—Overstaying liberty four days.

January 8, 1894.—Absent without permission one week.

June 11, 1894.—Disobeying orders of officer of the deck, etc.

The proceedings and, in view of the above, the sentence in the foregoing case of A— B—, seaman, U. S. Navy, are approved.

That part of the sentence which involves loss of pay is respectfully referred to the Secretary of the Navy.

C— D—,
Captain, U. S. Navy,
Commanding U. S. F. S. New York.

VAR. Having duly considered the conduct record of the accused, the proceedings and sentence in the foregoing case of A— B—, seaman, U. S. Navy, are approved (or so much of the sentence as involves bad-conduct discharge is disapproved).

That part of the sentence which involves loss of pay is remitted, etc.

C— D—,
Captain, U. S. Navy,
Commanding U. S. F. S. New York.

NAVY YARD, NEW YORK,
December 18, 1895.

The proceedings and sentence as mitigated are approved. That portion of the sentence which involves loss of pay is respectfully referred to the Secretary of the Navy.

B— D—,
Commodore, U. S. Navy, Commandant.

Or,

E— X. T—,
Rear Admiral, U. S. Navy,
Commander in Chief U. S. Naval Force
on North Atlantic Station.

Or,

P— S. R—,
Captain, U. S. Navy,
Commanding U. S. S. Maine,
and Senior Officer Present.

VAR. 1. The proceedings in the case of A— B—, seaman, U. S. Navy, are approved. The sentence is disapproved (or mitigated as follows: * * *).

B— D—,
Commodore, U. S. Navy,
Commandant.

Or,

E— X. T—,
Rear Admiral, U. S. Navy,
Commander in Chief U. S. Naval Force
on North Atlantic Station.

Or,

P— S. R—,
Captain, U. S. Navy,
Commanding U. S. S. Maine,
and Senior Officer Present.

[NOTE.—In case the sentence has been disapproved by the convening authority, or in the case of an acquittal, the commander in chief, commandant, or other senior officer present will indorse his views on the record in the same manner as above indicated.]

Order for Revision.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,

December 19, 1895.

SIR:

The summary court-martial of which you are senior member will reconvene as soon as practicable for the purpose of reconsidering the sentence (finding) in the case of A—— B——, seaman, U. S. Navy, as, in my opinion, the sentence is not adequate to the offense of which he has been found guilty.

Respectfully,

C—— D——,
Captain, U. S. Navy,
Commanding U. S. F. S. New York.

Lieutenant E—— F——,
U. S. Navy,
U. S. F. S. New York,
Navy Yard, New York.

VAR. 1. * * * the sentence as adjudged is not one which the court is authorized to impose.

VAR. 2. * * * the sentence will, in the opinion of the surgeon, be seriously injurious to his health.

VAR. 3. * * * will reconvene —— for the purpose of amending the record in the following particulars: * * *

VAR. 4. * * * the finding is not in accord with the evidence adduced.

REVISION.

U. S. F. S. NEW YORK,
NAVY YARD, NEW YORK,
December 20, 1895.

The court reconvened pursuant to an order from the convening authority, the original of which is hereto prefixed, marked "—."

VAR. * * * the original of which is prefixed to the record of revision in the case of ———.

Present: All the members and the recorder.

The court was closed, the recorder withdrawing.

The order reconvening the court was read aloud by the senior member.

The court, having duly noted the remarks of the convening authority, proceeded with the revision, upon the completion of which the recorder was called before the court and directed to record the findings as follows:

"The court does now revoke its former sentence and in lieu thereof does sentence the accused A—— B——, seaman, U. S. Navy, to the following punishment:

"To be discharged from the service with bad-conduct discharge."

E—— F——, *Lieutenant, U. S. Navy,*
Senior Member.
O—— S——, *Lieutenant, U. S. Navy, Member.*
K—— L——, *Ensign, U. S. Navy, Member.*
M—— N——, *Ensign, U. S. Navy, Recorder.*

VAR. The Court does respectfully adhere to the sentence already adjudged.

The court then, at 2 p. m., having finished with the revision of the case of A—— B——, seaman, U. S. Navy, was opened, and adjourned to await the action of the reviewing authority.

E—— F——, *Lieutenant, U. S. Navy,*
Senior Member.
M—— N——, *Ensign, U. S. Navy,*
Recorder.

VAR. * * * and proceeded with the revision in the case of ———.

(Here follows the action of the officer ordering the court and the senior officer present as above indicated.)

RECORD
OF
PROCEEDINGS OF A COURT OF INQUIRY

CONVENED AT THE NAVY YARD, NEW YORK, BY ORDER
OF THE SECRETARY OF THE NAVY,

To inquire into

PROCEEDINGS OF A COURT OF INQUIRY.

Record of the proceedings of a court of inquiry convened at the navy yard, New York, by virtue of a precept signed by the Secretary of the Navy, the original of which is appended, marked "—."

VAR. * * * convened on board of the U. S. F. S. ———, Hampton Roads, Virginia, by virtue of a precept signed by Rear Admiral R. H. W——, U. S. Navy, Commander in Chief U. S. Naval Force on North Atlantic Station, the original of which is appended, marked "—."

FIRST DAY.

NAVY YARD, NEW YORK,
10 a. m., Friday, ———, 189—.

The court met pursuant to the above-mentioned precept.

Present:

Captain A. B. C——, U. S. Navy, president,
Commander D. E. F——, U. S. Navy, and
Commander G. H. K——, U. S. Navy, members; and
Lieutenant T. T. W——, U. S. Navy, judge advocate.

VAR. Absent: Commander G. H. K——, U. S. Navy, member (owing to ———) or (for reasons unknown, due inquiry having been made by the judge advocate).

The judge advocate read a certificate accounting for the absence of ———, which is appended, marked "—."

The court then (took a recess until) or (addressed a communication to the convening authority, a copy of which is appended, marked "—") or (adjourned until ——— to await the arrival of the absent member).

The court was cleared and the orders constituting it, together with the accompanying instructions, were read aloud and appended, marked "—," "—," "—," (etc.). All other matters preliminary to the inquiry were determined, and after deciding to sit with open doors, the court was opened.

VAR. * * * All other matters preliminary to the inquiry were determined, and the court announced that in obedience to orders it would sit with closed doors (or, decided to sit with closed doors).

NOTE.—The judge advocate of a court of inquiry does not withdraw when the court is cleared.

The judge advocate having requested and received permission, introduced as clerk (stenographer) Private A. B——, U. S. Marine Corps.

VAR. The judge advocate having asked and received permission to employ a stenographer (a clerk) (an interpreter), his request, a copy of which is appended, marked “—,” was referred to the convening authority.

The defendant, Commander O. S——, U. S. Navy (commanding the U. S. S. ——), whom the convening authority had notified of his right to be present during the investigation, appeared and, having requested and received permission, introduced Lieutenant N. E. M—— as his counsel.

NOTE.—When the court is convened to inquire into certain facts, where no person is placed in the position of defendant, the record will necessarily omit all that relates to such a defendant and proceed with the administration of the oaths.

NOTE.—If it should appear at any stage of the proceedings that any other person or persons than those named by the convening authority are implicated, they should be called before the court, informed of all the evidence which tends to implicate them, and instructed as to their rights to cross-examine witnesses and offer evidence in defense.

VAR. 1. The court received from —— —— a communication, which was read aloud and appended, marked “—,” stating that the defendant was unable to appear, owing to —— (here give reasons; if by illness a medical certificate must be presented, read, and appended. This communication may be made personally by any competent person).

The court then, at ——, adjourned until —— (See adjournment.)

VAR. 2. The defendant, etc., appeared and stated that he did not desire counsel and that he had been furnished with a true copy of the orders and instructions convening the court.

VAR. 3. The defendant appeared and asked permission to introduce Lieutenant R. X——, U. S. Navy, as counsel; at the request of (a member) (the judge advocate) the court was cleared, and when opened the defendant appeared and was informed that, while he was at liberty to designate some other person, his request was denied.

VAR. 4. The complainant (Commodore B. P——, U. S. Navy), appeared and having requested and received permission, introduced Captain X. Y. Z——, U. S. Marine Corps, as his counsel.

(If counsel is rejected, procedure same as in Variation 3.)

(The court having decided on the mode of procedure, the defendant and the complainant, if there be one, should be called in and the complaint or subject to be investigated communicated to them.)

The judge advocate read aloud the precept and accompanying instructions, copies of which are appended, marked “—.”

The defendant (and complainant, if there be one) was asked if he objected to any member present, to which he replied in the negative.

The members were severally duly sworn by the judge advocate, and the judge advocate was duly sworn by the president, all

of which oaths were administered according to law, and in the presence of the defendant (the complainant and defendant). Private A. B——, U. S. Marine Corps, was duly sworn as clerk (stenographer) by the judge advocate.

Oath administered to the members:

You, —— ———, do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality.

Oath administered to the judge advocate:

You, —— ———, do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing.

Oath administered to the stenographer:

You, A—— B——, swear (or affirm) faithfully to perform the duty of clerk or reporter in aiding the judge advocate to take and record the proceedings of the court, either in shorthand or ordinary manuscript.

VAR. (Postponement of trial.) The defendant (complainant or judge advocate) applied for a postponement of the inquiry on the ground (here give the reasons). The court was cleared, and after due deliberation, was opened and its decision announced, that—

The inquiry should be postponed until —— (or) The inquiry should proceed; (or)

It would await the action of the convening authority, who was informed that the defendant (complainant) desired a postponement of the inquiry until —— for the reason (here give the reasons offered for the postponement).

NOTE.—Courts of inquiry, unlike courts-martial, need not meet from day to day, but have the power to adjourn for such a period as they may see fit without the permission of the convening authority.

All witnesses were directed to withdraw.

The court being duly organized, the inquiry proceeded as follows:

Captain B. R. M——, U. S. Navy, a witness called by the judge advocate, was duly sworn by the president.

Oath administered to the witnesses:

You, —— ———, do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges: So help you God (or, this you do under the pains and penalties of perjury).

EXAMINATION IN CHIEF.

By the judge advocate:

Question. * * *

Answer. * * *

By the complainant (if there be one):

Question. * * *

Answer. * * *

CROSS-EXAMINATION.

By the defendant:

Question. * * *

Answer. * * *

REDIRECT EXAMINATION.

By the judge advocate:

Question. * * *

Answer. * * *

Examination by the court:

Question. * * *

Answer. * * *

There being no further questions to ask this witness, his testimony was read aloud and pronounced by him to be correct; he then withdrew, after being cautioned by the president of the court not to converse upon matters pertaining to the inquiry.

NOTE.—See variations under General Courts-Martial for method of having witness pronounce testimony correct.

NOTE.—When the judge advocate has introduced all the evidence on the part of the government, the defendant (the complainant if there be one) may introduce evidence in the same manner as the accused in a court-martial.

The court then, at 4 o'clock p. m., adjourned until — o'clock a. m. the next day (Monday) —, 189—.

There was no further testimony to offer in this case.

NOTE.—At this point the arguments are made or statements submitted by the complainant, defendant, and judge advocate. See procedure under general courts-martial.

At — o'clock the inquiry was finished. The parties to the inquiry withdrew.

The court, having thoroughly inquired into all the facts and circumstances connected with the allegations contained in the papers attached to the precept, and, having considered, with closed doors, the evidence adduced, submits a statement of the facts which it deems to be established.

FINDING.

The allegations and complaints made by Commander — against Lieutenant — were to the following effect:

Deliberate misstatement and intent to deceive in regard to the suspension of Lieutenant — from duty; unjust treatment of Lieutenant — in suspending him from duty for

intoxication when he was sober; that he, Lieutenant —— is totally unfitted for command and utterly fails to secure the respect of officers or crew; that his investigations at the mast are a source of derision and contempt by the crew; that nothing but repeated orders induced him to keep ship in decent condition, and that his manner of carrying on duty is subversive of discipline; that four lieutenants, watch officers, are ignored, and his favorite way of sending orders to petty officers is by his orderly, without even notifying the officer of the deck that such action had been taken; that heads of departments were treated in same way; that he almost invariably sought information from junior or petty officers; that courts-martial were very numerous so as to become a subject for jest; that his appearance was not neat, he being often reprimanded for being out of uniform; that officers and crew are dissatisfied and discipline at a low ebb, that any line officer on ship above grade of ensign is better qualified to command than Lieutenant ——; that Lieutenant ——'s discourtesy to our consuls was marked; that his presence on ship in capacity of commanding officer is detrimental to discipline, and that he lacks understanding of the regulations; that he objected to publication of General Order No. 6 and attempted to mislead by asking to be allowed to explain part of said order; that he made distinctions in paying money to crew, and there was complaint about his paying money to favorites and ignoring others; that he (Commander ——) considered Lieutenant ——'s action, in inclosing Squadron General Order No. 6 to the Secretary of the Navy, impertinent; that both the executive officer and navigator were several times absent from the ship, while on duty, by permission of Lieutenant ——; that Lieutenant ——'s application of the regulations has been contradictory, and this, together with illogical punishments, have produced dissatisfaction; and that Lieutenant ——'s language charging Commander —— with persecution, besides being disrespectful, was false.

Of these allegations the court finds that the following are not sustained by the evidence adduced, namely (insert in full).

And as to the remaining allegations, the court finds that the following facts are established by the evidence, namely: that, while Commander —— did upon one occasion speak to Lieutenant —— in relation to the fact that he was wearing a waistcoat not strictly in accordance with the uniform regulations, the allegation that his appearance is far from neat is not sustained by the evidence; that the court finds that the executive officer and the navigator were both out of the ship several times, not on duty, by permission of Lieutenant ——; and that the court finds that the language used by Lieutenant —— in his letter with regard to the persecution of Commander ——, namely: "Again I am forced

to appeal to the Navy Department for protection against the illegal acts of Commander ———, and against his persecution, by which he is seeking, in various ways, opportunities of causing me trouble," is disrespectful, but not, as alleged by Commander ———, unqualifiedly false.

The complaints and allegations made by Lieutenant ——— against Commander ——— are as follows:

An appeal from the decision of Commander ——— restoring Lieutenant ——— to duty after he (Lieutenant ———) had suspended him, on the ground that it tended to injure the discipline of the ship and affect unfavorably his (Lieutenant ———'s) standing with officers and men. A complaint that he (Lieutenant ———) has been reprimanded in this matter for carrying on his duty while the officer who violates the law and regulations goes without punishment; that at the time Commander ——— investigated the case of Lieutenant ——— in his cabin, he gave him (Lieutenant ———) a severe reprimand in the presence of Medical Inspector ——— and Lieutenants ——— and ———, which was as uncalled for as it was illegal; that his criticisms of Lieutenant ———'s relations with our consuls in these waters are entirely wrong; that he frequently gave orders to Lieutenant ———'s subordinates without consulting him; that his statement that he (Lieutenant ———) had favorites or pets, is not true, except to be more favorably disposed toward those who always conduct themselves properly; and that he, Lieutenant ———, appeals to the Secretary of the Navy for protection against the illegal acts of Commander ——— and against his persecution.

Of these several allegations and complaints the court finds that the one which accuses Commander ——— of giving orders to Lieutenant ———'s subordinates without his consent is not sustained by the evidence adduced.

As to the remaining allegations the court finds the following established by the evidence, namely: That Lieutenant ——— being restored to duty by Commander ———, after that officer had been suspended therefrom by Lieutenant ——— in the clear exercise of his duty as commanding officer, was an act on the part of Commander ——— tending to injure the discipline of the service and to affect unfavorably Lieutenant ———'s standing with officers and crew. That the evidence shows that Lieutenant ——— was careful and just in the distribution of monthly money to the crew, and the allegation by Commander ——— to the contrary is not correct; that at the time Commander ——— investigated the case of Lieutenant ——— in the cabin he did severely reprimand Lieutenant ——— in the presence of Medical Inspector ——— and Lieutenants ——— and ——— and that the administering of such public

reprimand was illegal; and that so much of the last allegation as charges Commander —— with persecuting him (Lieutenant ——) is sustained by the evidence adduced.

OPINION.

In the opinion of the court no further proceedings against Lieutenant —— should be had for the reason that of allegations against him which have been sustained, but one, that of disrespect to Commander ——, is of sufficient weight to justify such further action, and this language was used under circumstances of peculiar provocation.

And in the opinion of the court further proceedings should be had against Commander —— and that officer should be tried by general court-martial for the following specific acts, namely:

For restoring Lieutenant —— to duty when he (——) had been suspended by Lieutenant —— in the clear exercise of his (Lieutenant ——'s) prerogative as commanding officer, and thereby tending to injure the discipline of the ship.

For publicly reprimanding Lieutenant —— in the presence of Medical Inspector —— and Lieutenants —— and ——, and thereby subverting the discipline of the ship.

And for suspending Lieutenant —— from duty and depriving him of the command of his ship without sufficient cause.

—— ———, *Captain, U. S. Navy,*
President.
 —— ———, *Lieutenant, U. S. Navy,*
Judge Advocate.

The court, having finished the inquiry it was ordered to make, adjourned at 2.30 p. m. to await the action of the convening authority.

—— ———, *Captain U. S. Navy,*
President.
 —— ———, *Lieutenant, U. S. Navy,*
Judge Advocate.

PROCEEDINGS OF A COURT OF INQUIRY CONVENED TO
INVESTIGATE THE LOSS OR GROUNDING OF A VESSEL.

Record of the proceedings of a court of inquiry convened at the navy yard, New York, by virtue of a precept signed by the Secretary of the Navy, the original whereof is appended, marked “—.”

FIRST DAY.

NAVY YARD, NEW YORK,
12 m., Friday, November 1, 1895.

The court met pursuant to the above-mentioned order with closed doors.

Present:

Captain A. B. C——, U. S. Navy, president,
Commander D. E. F——, U. S. Navy, and
Commander G. H. K——, U. S. Navy, members; and
Lieutenant T. T. W——, U. S. Navy, judge advocate.

NOTE.—The variations which are recorded under courts of inquiry, are also applicable to this form of a court of inquiry, and will not be noted here.

The judge advocate read aloud the precept and other papers. The court decided to sit with open doors, and the doors were thereupon opened.

Commander L—— M——, U. S. Navy; Lieutenant N—— O——, U. S. Navy, and Ensign P—— Q——, U. S. Navy, appeared before the court.

The precept and other papers were read aloud by the judge advocate, and each of the above officers stated that he had no objection to offer to any member.

The members were then severally duly sworn by the judge advocate, and the judge advocate was duly sworn by the president.

The court then adjourned until 2 o'clock p. m., when it reconvened on board the U. S. S. ———. Present: All the members and the judge advocate. All the officers and men of the U. S. S. ——— having been mustered on the quarter-deck of that vessel, the president explained the purpose of the court and the rights of all persons concerned.

The oath of witnesses was then duly administered by the president to all the officers and men attached to the U. S. S. ———.

VAR. 1. The oath of witnesses was then duly administered by the president to all the officers and men of the ———, except the following: * * * who were absent from the vessel (here give reason).

The official report of Commander L—— M——, U. S. Navy, containing the narrative of the grounding of the ———, on August 5, 1895, was then read aloud by the judge advocate. (Original hereto appended, marked “—”.)

The following questions were then put to the commanding officer:

Q. Is the narrative just read to the court a true statement of the grounding of the ———, on August 5, 1895?

A. * * *

Q. Have you any complaint to make against any of the officers or men of said vessel on said occasion?

A. * * *

The following questions were then put to the officers and crew of the vessel, and they were instructed by the president that if they had anything to say in answer to the questions propounded that they should step to the front.

Q. Have you anything to object to the narrative just read to the court, or anything to lay to the charge of any officer or man with regard to the grounding of the ———, on August 5, 1895?

A. The officers and men answered “No,” and nobody stepped to the front.

All the officers and such of the crew as may have filled positions of special responsibility on the occasion referred to, were informed by the president that they have the right to be present during the sessions of the court to offer evidence and cross-examine witnesses if they so desire.

The court then, at 3.40 p. m., adjourned to meet at 4 p. m., at which time it reconvened at the navy yard at the usual place. Present: All the members, the judge advocate, Commander L—— M——, U. S. Navy, Lieutenant N—— O——, U. S. Navy, and Ensign P—— Q——, U. S. Navy.

The court then, at 4.05 p. m., adjourned till 10 a. m. to-morrow, the 2d instant.

SECOND DAY.

NAVY YARD, NEW YORK,
10 a. m., Saturday, November 2, 1895.

The court met pursuant to adjournment. Present: All the members, the judge advocate, Commander L—— M——, Lieutenant N—— O——, and Ensign P—— Q——, U. S. Navy.

The record of proceedings of yesterday was read and approved. The officers and men who were absent yesterday were called before the court and sworn; the above questions were propounded and the same instructions given, and no one had anything to urge.

The officers and men then before the court were informed of their right to be present during the sessions of the court, to offer evidence, and to cross-examine witnesses if they so desired.

Commander L— M—, U. S. Navy, was called as a witness and after being duly sworn by the president, testified as follows:

Examination in chief by the judge advocate:

* * * * *

Examined by Lieutenant N— O—, U. S. Navy:

* * * * *

Examined by Ensign P— Q—, U. S. Navy:

* * * * *

Examined by the court:

* * * * *

There being no further questions to ask this witness his testimony was read over to him, by him pronounced to be correct, whereupon he resumed his seat as an interested party.

NOTE.—In reading over testimony to witness in courts of inquiry the same course can be pursued as laid down in general courts-martial procedure.

At this point it appeared to the court that Lieutenant R— S—, U. S. Navy, was an interested party, and he was accordingly called before the court and so advised, and at the same time informed of his right to be present to offer evidence and to cross-examine witnesses, if he so desired.

The court then, at 3 p. m., adjourned until 10 a. m., Monday, the 4th instant.

THIRD DAY.

NAVY YARD, NEW YORK,
10 a. m., Monday, November 4, 1895.

The court met pursuant to adjournment of yesterday. Present: All the members, the judge advocate, and the parties to the inquiry. The record of proceedings of Saturday was read and approved.

Lieutenant C— S—, U. S. Navy, was called as a witness by Ensign P— Q—, U. S. Navy, and after being duly sworn testified as follows:

Examined by Ensign P—— Q——, U. S. Navy:

* * * * *

Examined by the judge advocate:

* * * * *

Examined by Commander L—— M——, U. S. Navy:

* * * * *

The court and Lieutenant N—— O——, U. S. Navy, had no questions to ask this witness.

There were no further witnesses to call.

Commander L—— M—— and Lieutenant R—— S——, U.S. Navy, each submitted a written statement, which were read aloud and are appended to the record marked “—” and “—.”

The judge advocate’s summation and reply was then read aloud; same is appended hereto, marked “—.”

NOTE.—If stenographer is employed these statements may be made orally.

All the evidence being now before the court, and the parties to the inquiry having nothing further to offer, the court was cleared for deliberation, the parties to the inquiry withdrawing, and after maturely deliberating on the evidence adduced the court finds as follows (here insert the findings of the court).

The court is of opinion (here insert opinion of court).

The court is also of opinion that further proceedings should be had in the case of Commander L—— M——, U. S. Navy, as follows (here insert definitely the grounds upon which further proceedings should be had).

The court then, at 3 p. m., adjourned until 10 a. m. to-morrow.

FOURTH DAY.

NAVY YARD, NEW YORK,

10 a. m., Tuesday, November 5, 1895.

The court met pursuant to adjournment. Present: All the members and the judge advocate.

The record of proceedings of yesterday was read and approved, the court being closed during the reading of so much thereof as pertains to the proceedings in closed court. The president and judge advocate then signed the record of proceedings, the testimony taken, the facts which the court deems established together with its opinion as to what further proceedings shall be had in the matter.

A. B. C——, *Captain, U. S. Navy,*
President.

T. T. W——, *Lieutenant, U. S. Navy,*
Judge Advocate.

The court having finished the inquiry it was ordered to make, adjourned at 2 p. m. to await the action of the convening authority.

A. B. C——, *Captain, U. S. Navy,*
President.

T. T. W——, *Lieutenant, U. S. Navy,*
Judge Advocate.

Precept for Court of Inquiry.

To Captain A—— B——, *U. S. Navy,*
Navy Yard, ——, ——.

A court of inquiry, consisting of yourself as president, of Commander C—— D——, and Paymaster E—— F——, U. S. Navy, as additional members, and of First Lieutenant G—— H——, U. S. Marine Corps, as judge advocate, is hereby ordered to convene at the navy yard, Norfolk, Va., at noon on Tuesday, the 16th day of October, 1895, or as soon thereafter as practicable, for the purpose of inquiring into * * * (here insert object of inquiry).

Upon the conclusion of the investigation the court will report its proceedings and the testimony taken, with a full statement of all the facts which it may deem to be established by the evidence adduced, together with its opinion as to what further proceedings, if any, shall be had in the matter.

If the court shall be of opinion that further proceedings should be had in the matter, it will include in its report a succinct statement as to the person or persons against whom, and the specific matter upon which, such proceedings should be had.

This employment on shore duty is required by the public interests.

Given under my hand at the Navy Department, Washington, D. C., this thirteenth day of October, eighteen hundred and ninety-five.

H. A. H——,
Secretary of the Navy.

Precept for Court of Inquiry to inquire into grounding of vessel.

To Captain A—— B. C——, *U. S. Navy,*
Commanding U. S. S. Philadelphia,
Navy Yard, Mare Island, Cal.

A court of inquiry, consisting of yourself as president, and of Commanders D—— E. F—— and G—— H. K——, U. S. Navy, as additional members, and of Lieutenant T—— T. W——, U. S. Navy, as judge advocate, is hereby ordered to convene at the navy yard, Mare Island, California, at noon on Friday, the first day of November, 1895, or as soon thereafter as practicable, for the purpose of inquiring into the circumstances connected with the grounding of the U. S. S. —— near St. Paul Island, Pribilof Group, Bering Sea, Alaska, on the afternoon of the fifth of August last.

The attention of the court is invited to the instructions concerning the particulars to be investigated in the case of the loss or grounding of a ship of the Navy, contained in the U. S. Navy Regulations.

The following-described papers relating to the grounding of the U. S. S. —— on the occasion referred to are attached to and made part of this precept.

Letter dated August 16, 1895, from Commander C—— E. C——, U. S. Navy, reporting * * *

Letter dated August 18, 1895, from Commander L—— M——, U. S. Navy, reporting * * *

Coast Survey Chart No. 8990, being the same as that used in navigating the ship on August 2, 1895.

Extract from ship's log for period beginning —— and ending ——.

The court will diligently and thoroughly inquire into all the circumstances attending the grounding of said vessel on the date named, and upon the conclusion of the investigation will report to the Department its proceedings, all the testimony taken, and the facts which it may deem established by the evidence adduced, together with its opinion as to what further proceedings, if any, should be had in the matter.

The court will also report whether or not the grounding of said vessel was, on the occasion named, in any respect due to fault or negligence on the part of any of the officers or members of the crew of said vessel, and if so, the names of such officers or members of the crew, and in what respect and to what extent any or either of them were so at fault or negligent.

If the court shall be of opinion that further proceedings should be had in the matter, it will include in its report a succinct statement as to the person or persons against whom, and the specific matter upon which, such proceedings should be had.

This employment on shore duty is required by the public interests.

Given under my hand at the Navy Department, Washington, D. C., this eighteenth day of September, eighteen hundred and ninety-five.

H. A. H——,
Secretary of the Navy.

Letter to President of Court.

NAVY DEPARTMENT,

Washington, September 18, 1895.

SIR:

Referring to this Department's order of this date, convening a court of inquiry, of which you are president, to meet at the navy yard, Mare Island, Cal., on Friday, the 25th instant, for the purpose of inquiring into the circumstances connected with the grounding of the U. S. S. ——, near St. Paul Island, Pribilof Group, Bering Sea, Alaska, I have to inform you that Commander A. R. X——, U. S. Navy, commanding the ——, and Lieutenant S. P. O——, U. S. Navy, the executive officer, and Lieutenant C. R. Y——, U. S. Navy, the navigator of that vessel, have been informed of their right to be present during the investigation, to cross-examine witnesses, and offer evidence before the court should they desire to do so.

As the court has been directed to report whether or not the grounding of the U. S. S. —— was in any respect due to fault or negligence on the part of any of the officers or crew of said vessel, etc., you will inform the officers, and such of the crew as may have filled positions of special responsibility upon the occasion referred to, that they have the same right to be present during the sessions of the court, to offer evidence and cross-examine witnesses, if they so desire.

Very respectfully,

H. A. H——,
Secretary.

Captain A. B. C——, *U. S. Navy,*
Commanding U. S. S. Philadelphia,
Navy Yard, Mare Island, Cal

Letter to Party to Inquiry.

NAVY DEPARTMENT,

Washington, September 18, 1895.

SIR:

A court of inquiry, of which Captain C. S. C——, U. S. Navy, is president, has been ordered to convene at the navy yard, Mare Island, Cal., at noon on Tuesday, the 25th instant, for the purpose of inquiring into the circumstances connected with the grounding of the U. S. S. ——, near St. Paul Island, Pribilof Group, Bering Sea, Alaska, on the afternoon of the second day of August, 1895.

You have the right to be present during the investigation to cross-examine the witnesses and offer evidence before the court, should you desire to do so.

Very respectfully,

H. A. H——,
Secretary.

Commander A. R. X——, *U. S. Navy,*
U. S. S. ——,
Navy Yard, Mare Island, Cal.

Letter of transmittal of precept.

NAVY DEPARTMENT,

Washington, September 18, 1895.

SIR:

I transmit herewith a precept addressed to you as president of a court of inquiry to convene at the navy yard, Mare Island, Cal., at noon on Tuesday, the 25th instant.

Very respectfully,

H. A. H——,
Secretary.

Captain C. S. C——, *U. S. Navy,*
Commanding U. S. S. Philadelphia,
Navy Yard, Mare Island, Cal.

Letter to Commandant Navy Yard Informing him of the Convening of Court.

NAVY DEPARTMENT,

Washington, September 18, 1895.

SIR:

A court of inquiry, of which Captain C. S. C——, U. S. Navy, is president, has been ordered to convene at the navy yard under your command, at noon on Tuesday, the 25th instant, for the purpose of inquiring into the circumstances connected with the grounding of the U. S. S. ——, near St. Paul Island, Pribilof Group, Bering Sea, Alaska, August 2, 1895.

You will please detail, from among the civil employés or enlisted men under your command, such clerical assistance as may be required by the judge advocate in recording the proceedings of the court.

Very respectfully,

H. A. H——,
Secretary.

The COMMANDANT,
Navy Yard,
Mare Island, Cal.

Letter to President of Court informing him of the right of others to be present who may appear entitled to such right during the progress of the trial.

NAVY DEPARTMENT,

Washington, September 18, 1895.

SIR:

Referring to the Department's communication of this date informing you that Commander ———, and Lieutenant ———, U. S. Navy, have been informed of their right to be present during the investigation to cross-examine witnesses and offer evidence before the court should they desire to do so, I have to inform you that if, during the progress of the investigation, it shall appear that others than those above mentioned should be entitled to appear as defendants, they will be called before the court and informed of their right to be present and cross-examine witnesses and offer such evidence as they may desire.

Very respectfully,

H. A. H——,
Secretary.

Captain A. B. C——, *U. S. Navy,*
Commanding U. S. S. Philadelphia,
Navy Yard, Mare Island, Cal.

RECORD
OF
PROCEEDINGS OF AN INVESTIGATION

To inquire into

CONDUCTED BY LIEUTENANT A——B ——, U. S. NAVY,
AT THE NAVY YARD, NEW YORK, BY ORDER
OF THE SECRETARY OF THE NAVY.

PROCEEDINGS OF AN INVESTIGATION.

Record of proceedings of an investigation conducted by Lieutenant A—— B——, U. S. Navy, by order of the Secretary of the Navy.

FIRST DAY.

NAVY YARD, NEW YORK,
10 a. m., Monday, May 20, 1895.

The investigating officer, Lieutenant A—— B——, U. S. Navy, administered to Mr. C—— D——, the stenographer, the oath prescribed by U. S. Navy Regulations, whereupon Mr. C—— D—— took his seat as stenographer.

The investigating officer called before him Civil Engineer ——, and Quarterman —— and announced that the investigation would be conducted with open doors.

The investigating officer then read aloud the order directing him to make the investigation and the other papers submitted to him by the Department. Appended, marked “—.”

Civil Engineer —— and Quarterman —— were then asked by the investigating officer if they desired to be present during the investigation and be represented by counsel.

They both replied in the negative.

VAR. 1. Quarterman —— desired to be represented by Mr. O—— R——, which request was granted and Mr. O—— R—— took his seat as counsel.

W. B. C—— was called as a witness and after being duly sworn by the investigating officer testified as follows: (Examination conducted in the same manner as in court of inquiry.)

NOTE.—The parties to the investigation have the same right to introduce evidence and cross-examine witness as the accused in a court-martial or the defendant in a court of inquiry, and the procedure is as outlined under these heads.

The investigating officer and the parties to the investigation had no further witnesses to call and nothing further to offer. The investigating officer announced that the investigation was closed.

After full and mature deliberation, the investigating officer finds as follows: (Here insert finding at length.)

A— B—,
Lieutenant, U. S. Navy,
Investigating Officer.

Letter to Investigating Officer.

NAVY DEPARTMENT,
Washington, May 18, 1895.

SIR:

Under the authority of Section 183 of the Revised Statutes, you are hereby detailed to investigate certain charges preferred against A. W. L—, quartermaster in charge of mechanics, department of yards and docks, navy yard, New York, which charges are contained in a letter dated May 16, 1895, from W. M—, foreman of yards and docks, and in the papers inclosed in said letter, herewith transmitted.

In accordance with the provisions of the statute above mentioned, you are given authority to administer an oath to any witness attending to testify or depose during the course of the investigation, and you are also authorized to employ a stenographer to assist you in the work, at the usual rates of compensation for such services, to be agreed upon in writing before any services are rendered.

You will inform Quartermaster L— of the nature of the charge against him, notify him that he may be present during the examination of witnesses and give him an opportunity to make such statement and to introduce such witnesses as he may desire.

Civil Engineer R. X. Y—, U. S. Navy, who is on duty at the navy yard, New York, has been advised of these instructions and informed that if he wishes to be present during the examination, or to suggest the calling of witnesses you will afford him the opportunity to do so.

You will make a careful and thorough examination into all the matters set forth in the papers above mentioned and upon the completion of the investigation you will report to the Department the testimony taken and the facts established thereby, together with your conclusions concerning such facts.

The commandant of the navy yard, New York, has been instructed to afford you such facilities as may be necessary to the proper conduct of the investigation.

Very respectfully,

H. A. H—,
Secretary.

Lieutenant A— B—, *U. S. Navy,*
Navy Yard, New York.

RECORD
OF
PROCEEDINGS OF A NAVAL EXAMINING BOARD

CONVENED AT THE NAVY DEPARTMENT, WASHINGTON, D. C.,

IN CASE OF

LIEUTENANT X—— T——, U. S. NAVY,

MAY 1, 1895.

PROCEEDINGS OF A NAVAL EXAMINING BOARD.

NAVAL EXAMINING BOARD,
NAVY DEPARTMENT,
Washington, May 1, 1895.

The Board met at 10 o'clock a. m., in obedience to an order of the Secretary of the Navy.

Present:

Commodore A—— B——, U. S. Navy,
Captain C—— D——, U. S. Navy,
Captain E—— F——, U. S. Navy, members,
and Lieutenant G—— H——, U. S. Navy, recorder.

Lieutenant X—— T——, U. S. Navy, appeared and reported to the president, in obedience to an order, for examination by the Board, as required by Section 1496 of the Revised Statutes. A copy of said order is appended to this record, marked “—.”

The order of the Secretary of the Navy convening the Board, and the articles of the Navy Regulations pertaining to Examining Boards, were read. A copy of said order is appended, marked “—.”

There was no objection to any member.

VAR. 1. The candidate objected to Captain C—— D——, U. S. Navy, as a member on account of (here state reason).

Captain C—— D—— replied that he believed that (here give reply).

An extract of the record containing the candidate's objection to Captain C—— D—— and Captain C—— D——'s reply thereto was thereupon referred to the Secretary of the Navy for decision.

The Board took a recess (or adjourned) till —— to await the Secretary's action.

The Board met pursuant to recess (or adjournment). The Secretary of the Navy decided that the candidate's objection was valid and relieved Captain C—— D—— as a member and detailed Captain M—— X—— in his place, whereupon Captain C—— D—— withdrew and Captain M—— X—— took his seat. The letter of the Secretary is appended hereto, marked “—.”

VAR. 2. * * * The Secretary of the Navy decided that the candidate's objection was not valid and declined to relieve Captain C—— D——. The letter of the Secretary is appended hereto, marked “—.”

There being no further objections to the constitution of the Board—

The president swore the recorder to keep a true record of the proceedings.

The recorder then swore the president and other members honestly and impartially to examine and report upon the case of

Lieutenant X— T—, U. S. Navy, now before it as a candidate for promotion.

The Board then began the examination of the candidate in ——— and conducted the same in writing until 4 o'clock p. m., when it adjourned until to-morrow, the 2d instant, at 9 o'clock.

NAVAL EXAMINING BOARD,
NAVY DEPARTMENT,
Washington, May 2, 1895.

The Board met pursuant to adjournment of yesterday.

Present: All the members, the recorder, and the candidate under examination.

The Board resumed the examination of the candidate in ——— and continued the same in writing until 10.50 o'clock a. m., when it was finished. Said examination is entered herein on pages numbered ——— to ——— (or appended hereto marked “—”).

The Board next took up the examination of the candidate in ——— and continued the same in writing until 2.45 p. m., when it was concluded. Said examination is entered herein on pages numbered ——— to ——— (or appended hereto marked “—”).

The Board then adjourned until to-morrow, the 3d instant, at 9 o'clock a. m.

NAVAL EXAMINING BOARD,
NAVY DEPARTMENT,
Washington, May 3, 1895.

The Board met pursuant to adjournment.

Present: All the members, the recorder, and the candidate under examination.

The Board took up the examination of the candidate in ——— and the same was conducted in writing until 12.10 p. m., when it was finished. Said examination is entered herein on pages ——— to ——— (or appended hereto and marked “—”).

The Board then took up the examination of the candidate in ——— and conducted the same in writing until 4 p. m., when the Board adjourned to meet on Monday, the 5th instant, at 9 o'clock a. m.

NAVAL EXAMINING BOARD,
NAVY DEPARTMENT,
Washington, May 5, 1895.

The Board met pursuant to adjournment.

Present: All the members, the recorder, and the candidate under examination.

The examination of the candidate in ——— was resumed and continued in writing until 1.40 o'clock p. m., when it was concluded. Said examination is entered herein, on pages ——— to ——— (or appended hereto and marked “—”).

The Board next took up the examination of the candidate in ———, and conducted the same in writing until 2.30 p. m., when it was concluded. Said examination is entered herein on pages — to — (or appended hereto and marked “—”).

The candidate was next examined in ———, the same being conducted in writing until 4 o'clock p. m., when it was concluded. Said examination is entered herein on pages — to — (or appended hereto and marked “—”).

VAR. The members of the Board, each and severally, then stated that they did not deem it necessary or desirable to interrogate the candidate upon professional matters pertaining to the duties of the next higher grade as they had acquired by association with him in the Navy sufficient knowledge in all respects as to his qualifications for promotion.

The Board then adjourned until to-morrow, the 6th instant, at 9 o'clock a. m.

NAVAL EXAMINING BOARD,
NAVY DEPARTMENT,
Washington, May 6, 1895.

The Board met pursuant to adjournment.

Present: All the members, the recorder, and the candidate under examination.

A communication was received from the Chief of the Bureau of Navigation, Navy Department, dated May 2, 1895, transmitting the record of service and medical history of the candidate, also answers to interrogatories addressed by the Bureau to ———. The record of service and answers to interrogatories were read in evidence and are appended, marked “—,” and the president forwarded the medical history of the candidate to the Medical Board.

NOTE.—The answers to interrogatories and reports on fitness should be so appended to the record as to cover the service of the candidate in chronological order.

The examination of the candidate being concluded, the president discharged him from further attendance before the Board and directed him to report to Medical Director ———, the president of the Board of Medical Examiners, for the examination required by section 1493 of the Revised Statutes.

The Board then proceeded to deliberate upon the evidence before it, herein entered and hereto appended, and marked as aforesaid, and decided that the mental, moral, and professional fitness of the candidate to perform the duties of a naval officer, at sea, in the next higher grade, has been established to the satisfaction of the said Board, and therefore—

We hereby certify that Lieutenant X— T—, U. S. Navy, has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion.

A— B—,
Commodore, U. S. Navy, President.
 C— D—,
Captain, U. S. Navy, Member.
 E— F—,
Captain, U. S. Navy, Member.
 G— H—,
Lieutenant, U. S. Navy, Recorder.

VAR. 1. The Board then proceeded to deliberate upon the evidence before it, herein entered, and hereto appended and marked as aforesaid, and decided that the mental and moral, but not the professional fitness of the candidate to perform all the duties of a naval officer at sea, in the next higher grade, has been established to the satisfaction of the said Board, and therefore—

We hereby certify that Lieutenant X— T—, U. S. Navy, has the mental and moral, but not the professional qualifications to perform efficiently all the duties both at sea and on shore, of the grade to which he is to be promoted, and do not recommend him for promotion.

A— B—,
Commodore, U. S. Navy, President.
 C— D—,
Captain, U. S. Navy, Member.
 E— F—,
Captain, U. S. Navy, Member.
 G— H—,
Lieutenant, U. S. Navy, Recorder.

VAR. 2. * * * We hereby certify that Lieutenant X— T—, U. S. Navy, has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion.

A— B—,
Commodore, U. S. Navy, President.
 C— D—,
Captain, U. S. Navy, Member.

From an inspection of the written examination of the candidate, and from the answers to interrogatories sent to officers under whom the candidate has served, I am constrained to differ with the majority of the Board as to the professional fitness of the candidate to perform efficiently all the duties of a naval officer at sea in the next higher grade, and therefore—

I certify that Lieutenant X— T—, U. S. Navy, has the mental and moral, but not the professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and do not recommend him for promotion.

E— F—,
Captain, U. S. Navy, Member.
 G— H—,
Lieutenant, U. S. Navy, Recorder

VAR. 3. The Board then proceeded to deliberate upon the evidence before it, herein entered and hereto appended and marked as aforesaid, and having determined that from such evidence it appears *prima facie* that Lieutenant X— T— is not morally qualified for promotion by reason of his own misconduct, he was called before the Board and informed of the charges against him as follows, and given an opportunity to be heard thereon.

Lieutenant X— T— had nothing to offer in relation to the charges.

Or: Lieutenant X— T— asked permission to introduce A— R— as a witness, which request was granted.

(Testimony of witness recorded as for defense in general courts-martial.)

Lieutenant X— T— had nothing further to offer.

The Board was then cleared for deliberation and decided that Lieutenant X— T— has the mental and professional, but not the moral qualifications, by reason of drunkenness (or by reason of ———), which is a result of his own misconduct, to perform efficiently all his duties, both at sea and on shore, of the grade to which he is to be promoted, and do not recommend him for promotion.

VAR. 4. (In case of candidate for admission to the Navy.)

We hereby certify that Mr. A— R— has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be appointed, and recommend him for appointment.

VAR. 5. (In case of a candidate for admission to the Pay Corps.)

We hereby certify that Mr. A— R— has the physical, mental, and moral qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be appointed, and recommend him for appointment.

In case Officer to be Examined is not ordered to appear before the Board.

NAVAL EXAMINING BOARD,
Washington, May 1, 1895.

The Board met this day at 1 p. m. in obedience to an order of the Secretary of the Navy.

Present:

Rear Admiral ———, president,
Rear Admiral ———, and
Rear Admiral ———, members,
and ———, recorder.

The Board convened for the consideration of the case of Commodore ———, U. S. Navy, ordered to examination preliminary to promotion.

The order of the Secretary of the Navy convening the Board was read and a copy of the same is appended, marked “—.”

A letter from the Secretary of the Navy, dated ———, relating to the examination of the case of Commodore ——— without his presence before the Board, was read aloud by the recorder; a copy of said letter is appended, marked “—.”

The president swore the recorder to the faithful performance of his duty as recorder.

The recorder then swore the president and other members honestly and impartially to examine and report upon the case of Commodore ———.

The Board decided that it did not deem it necessary to have Commodore ——— ordered to appear before the Board personally, as the members thereof are satisfied, through association with him in the Navy, and from his reputation as an officer, as to his mental, moral, and professional fitness to perform the duties of a naval officer at sea, in the next higher grade.

The Chief of the Bureau of Navigation forwarded to the Board a copy of Commodore ———'s record of service and all other matter on the files of the Department relating to the case of Commodore ———. These papers are appended to the record, marked "—."

The Board then proceeded to deliberate upon the case before it and decided that the mental, moral, and professional fitness of the candidate to perform the duties of a naval officer at sea, in the next higher grade, has been established to the satisfaction of the Board, and therefore—

We hereby certify that Commodore ———, U. S. Navy, has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion.

—————,
Rear Admiral, U. S. Navy, President.

—————,
Rear Admiral, U. S. Navy, Member.

—————,
Rear Admiral, U. S. Navy, Member.

—————, *U. S. Navy,*
Recorder.

Letter to President of Board in case the candidate is not ordered to appear before it.

NAVY DEPARTMENT,
Washington, ———, 1895.

SIR:

I transmit herewith a precept addressed to you as president of a Naval Examining Board ordered to convene at the Navy Department, at 1 o'clock p. m., Monday, the 12th instant, for the examination of Commodore ———, U. S. Navy, whose case is hereby referred to the Board for examination in conformity with the provisions of Sections 1496 and 1497, Revised Statutes. If the Board shall deem it necessary, in order to establish to its satisfaction the mental, moral, and

professional qualities of Commodore ——— to perform all his duties at sea in the next higher grade, that the candidate appear before the Board, the Department will, upon receipt of information to that effect, issue the necessary orders for his appearance.

Very respectfully,

H. A. H——,
Secretary.

Rear Admiral ———, *U. S. Navy,*
Commandant, Navy Yard, New York.

Precept.

NAVY DEPARTMENT,
Washington, April 25, 1895.

SIR:

A Naval Examining Board for the examination of such officers as may be notified to appear before it as candidates for promotion, is hereby ordered to convene at the Navy Department, Washington, D. C., on Monday, the first day of May, 1895, at 12 o'clock m., or as soon thereafter as may be practicable.

The Board will consist of yourself as president, and of Captain C—— D——, U. S. Navy, and Captain E—— F——, U. S. Navy, as members. Lieutenant G—— H——, U. S. Navy, will act as recorder.

The proceedings of the Board shall be conducted in accordance with the provisions of Articles —, —, and —, Chapter —, of the U. S. Navy Regulations, and the oaths to be taken by the members and recorder and by witnesses examined orally before the Board, shall be those prescribed by Article — of said Chapter.

The Board will be organized anew in each case, as follows, viz: The president shall swear the recorder to keep a true record of the proceedings. The recorder shall then swear the members of the Board honestly and impartially to examine, and report upon the candidate about to be examined.

A copy of this order, and of every order or notice addressed by the Department to the Board, or to the candidate for promotion, certified by the recorder, must be attached to the record of proceedings in the case.

Attention is called to the following provision of the law:

Hereafter, in the examination of officers of the Navy for promotion, no fact which occurred prior to the last examination of the candidate whereby he was promoted, which has been inquired into and decided upon, shall be again inquired into, but such previous examination, if approved, shall be conclusive, unless such fact continuing shows the unfitness of the officer to perform all his duties at sea.—*Act approved June 20, 1878.*

Such witnesses as the candidate may reasonably request to have examined upon written interrogatories shall be so examined. Whenever such request is, by the Board, deemed unreasonable, it shall be at once referred to the Secretary of the Navy for decision.

Interrogatories, with answers thereto made under oath, regarding the mental, moral, and professional qualifications of the candidate, and reports of his fitness for promotion, will be furnished to the Board by the Bureau of Navigation.

No inquiry as to matter of opinion shall be put to any officer who is junior in rank to the candidate for promotion.

Each record must be signed by every member, and by the recorder, and must show who of the members concurred in, and who, if any, dissented from the opinion of the Board.

Whenever the Board fails to recommend a candidate for promotion, the record will state whether such failure is owing to his mental, moral, or professional unfitness.

This employment on shore duty is required by the public interests.

Very respectfully,

H. A. H—,
 Secretary.

Commodore A— B—, *U. S. Navy,*
 Chairman Light-House Board,
 Washington.

Precept for Examination of a Candidate for Admission.

NAVY DEPARTMENT,
 Washington, April 25, 1895.

SIR:

A Naval Examining Board for the examination of such candidates as may be notified to appear before it for admission or promotion, is hereby ordered to convene at the Navy Department, Washington, D. C., on Monday, the first day of May, 1895, at 12 o'clock m., or as soon thereafter as may be practicable.

The Board will consist of yourself as president, and of Paymaster C— D—, and Passed Assistant Paymaster E— F—, U. S. Navy, as members. Assistant Paymaster G— H—, U. S. Navy, will act as recorder.

The proceedings of the Board shall be conducted in accordance with the provisions of Articles —, —, and —, Chapter —, of the U. S. Navy Regulations, and the oaths to be taken by the members and recorder and by witnesses examined orally before the Board, shall be those prescribed by Article — of said chapter.

The Board will be organized anew in each case, as follows, viz: The president shall swear the recorder to keep a true record of the proceedings. The recorder shall then swear the members of the Board honestly and impartially to examine, and report upon, the candidate about to be examined.

A copy of this order, and of every order or notice addressed by the Department to the Board, or to the candidate for admission or promotion, certified by the recorder, must be attached to the record of the proceedings in the case.

Attention is called to the following provision of the law:

Hereafter, in the examination of officers of the Navy for promotion, no fact which occurred prior to the last examination of the candidate whereby he was promoted, which has been inquired into and decided upon, shall be again inquired into, but such previous examination, if approved, shall be conclusive, unless such fact continuing shows the unfitness of the officer to perform all his duties at sea.—*Act approved June 20, 1878.*

Such witnesses as the candidate may reasonably request to have examined upon written interrogatories shall be so examined. Whenever such request is, by the Board, deemed unreasonable, it shall be at once referred to the Secretary of the Navy for decision.

Interrogatories, with answers thereto made under oath, regarding the mental, moral, and professional qualifications of the candidate, and reports of his fitness for admission or promotion, will be furnished to the Board by the Bureau of Navigation.

Each record must be signed by every member and by the recorder, and must show who of the members concurred in, and who, if any, dissented from the opinion of the Board.

Whenever the Board fails to recommend a candidate for admission or promotion, the record will state whether such failure is owing to his mental, moral, or professional unfitness.

This employment on shore duty is required by the public interests.

Very respectfully,

H. A. H—,
Secretary.

Pay Director R— T—, *U. S. Navy,*
Navy Pay Office,
Washington, D. C.

Letter to Candidate.

NAVY DEPARTMENT,
Washington, April 25, 1895.

SIR:

Proceed to Washington, D. C., and report at the Navy Department, on Monday, the first day of May, 1895, at 10 o'clock a. m., to the president of the Naval Examining Board and then to the president of the Board of Medical Examiners, for the examinations preliminary to promotion, required by sections 1496 and 1498 of the Revised Statutes.

When discharged you will return to your home or station.

Respectfully,

H. A. H—,
Secretary.

Lieutenant X— T—, *U. S. Navy,*
Philadelphia, Pa.

Record of Service of Lieutenant X— T—, U. S. Navy.

Interrogatories and Reports on Fitness.

RECORD
OF
PROCEEDINGS OF A BOARD OF MEDICAL EXAMINERS,

CONVENED AT THE NAVY DEPARTMENT, WASHINGTON, D. C.,

IN CASE OF

LIEUTENANT X—— T——, U. S. N.,

MAY 8, 1895.

PROCEEDINGS OF A BOARD OF MEDICAL EXAMINERS.

NAVY DEPARTMENT,
BOARD OF MEDICAL EXAMINERS,
Washington, May 8, 1895.

The Board met this day at ten o'clock a. m., pursuant to an order of the Secretary of the Navy.

Present:

Medical Director A—— B——, U. S. Navy, president.
Medical Inspector C—— D——, U. S. Navy, and
Surgeon E—— F——, U. S. Navy, members, and
Assistant Surgeon G—— H——, U. S. Navy, recorder.

Lieutenant X—— T——, U. S. Navy, appeared as a candidate for promotion in obedience to an order, a copy of which is appended hereto and marked “—,” and the Board then proceeded to take up the examination in the case.

The order of the Secretary of the Navy convening the Board was read aloud by the recorder, and a copy of said order is appended hereto and marked “—.”

The president then swore the recorder to the faithful performance of his duty as recorder.

The recorder then swore the members faithfully and impartially to examine and report upon the candidate about to be examined.

The candidate's statement as to his physical qualifications is appended hereto and marked “—.”

The medical history in the case of Lieutenant X—— T—— is hereto appended, marked “—.” The said medical history contains the following entries to which the Board gave special attention, viz: *febris continua simplex, vulnus punctum*.

Each member of the Board proceeded to make a careful examination of the present physical condition of the candidate, and found no trace of the above ailments, nor of any ailment or disability now existing, and therefore

VAR. 1. The said medical history contains no entries which the Board deemed deserving of special attention.

Each member proceeded to make a careful examination of the present physical condition of the candidate, and found no trace of any ailment or disability, and therefore * * *

VAR. 2. Each member of the Board proceeded to make a careful examination of the present physical condition of the candidate, and found that he is suffering from (———), and therefore * * *

We hereby certify that Lieutenant X— T—, U. S. Navy, is physically qualified to perform all his duties at sea, and recommend him for promotion.

VAR. 1. We hereby certify that Lieutenant X— T—, U. S. Navy, is not physically qualified to perform all his duties at sea, and do not recommend him for promotion.

VAR. 2. We hereby certify that Lieutenant X— T—, U. S. Navy, is not qualified to perform all his duties at sea, owing to —, and therefore—

We recommend that the examination of Lieutenant X— T—, U. S. Navy, be deferred for six months in order to ascertain the extent of his incapacity.

Or, * * * We recommend that he be ordered before a Retiring Board.

Or, The evidence showing *prima facie* that Lieutenant X— T—, U. S. Navy, is suffering from —, which is the result of his own misconduct, he was called before the Board, informed of the charges against him as follows, and given an opportunity to be heard thereon, but declined to do so.

Or, Lieutenant X— T—, U. S. Navy, appeared and asked to introduce the following witnesses or evidence. (Proceed as in general courts-martial.)

There being no further evidence to introduce, the candidate was discharged and the Board proceeded to deliberate on the evidence before it and decided that Lieutenant X— T—, U. S. Navy, is not physically qualified to perform all his duties at sea by reason of —, which is the result of his own misconduct, and do not recommend him for promotion.

A— B—,

Medical Director, U. S. Navy, President.

C— D—,

Medical Inspector, U. S. Navy, Member.

E— F—,

Surgeon, U. S. Navy, Member.

G— H—,

Assistant Surgeon, U. S. Navy, Recorder.

NOTE.—When a Board of Medical Examiners is convened for the examination of candidates for admission to the medical or pay corps, the certificate is to the effect that "We hereby certify that Mr. — is physically qualified to perform all his duties at sea and recommend him for appointment."

Precept.

NAVY DEPARTMENT,
Washington, May 1, 1895.

SIR:

A Medical Board to examine and report upon the physical qualifications of such officers of the Navy as may, by the Secretary of the Navy, be ordered to appear before it as candidates for promotion, is hereby ordered to convene at the Navy Department, Washington, D. C., on Monday, the 8th day of May, 1895, at 10 o'clock a. m., or as soon thereafter as may be practicable.

The Board will consist of yourself as senior member and president, and of Medical Inspector C—— D——, and Surgeon E—— F——, U. S. Navy, as members. Assistant Surgeon G—— H——, U. S. Navy, will act as recorder of the Board.

In each case the Board will be organized anew, as follows, viz: The president will first swear the recorder to the faithful performance of his duty as recorder, and the recorder will then swear the president and other members of the Board faithfully and impartially to examine and report upon the case of the candidate about to be examined.

A copy of this order, and of every order or notice addressed by the Department to the Board, or any member thereof, to the recorder or the candidate for promotion, and of every record or writing used as evidence in the case, certified by the recorder, must be attached to the record of proceedings in that case.

In each case the record of the Board must be signed by the president, the members, and the recorder, and if any member dissents from the finding, the fact of his dissent, and his reasons therefor, must be entered on the record.

Each record must state fully what physical examination of the candidate was made, and by whom; and whether or not the Board recommend the candidate for promotion.

The physical qualifications of the candidate at the date of the examination, and his medical record from the date of his last examination for promotion, will be examined and reported.

The duties to which those qualifications relate are the duties of the grade to which the candidate seeks promotion, and not those of any other grade.

This employment on shore duty is required by the public interests.

Very respectfully,

H. A. H——,
Secretary.

Medical Director A—— B——, *U. S. Navy,*
Navy Department, Washington, D. C.

Letter to Candidate.

NAVY DEPARTMENT,
Washington, May 1, 1895.

SIR:

Proceed to Washington, D. C., and report at the Navy Department on Monday, the 8th day of May, 1895, at 10 a. m., to the president of the Naval Examining Board and then to the president of the Board of Medical Examiners, for the examinations preliminary to promotion required by Sections 1496 and 1493 of the Revised Statutes.

When discharged you will return to your station.

Respectfully,

H. A. H——,
Secretary.

Lieutenant X—— T——, *U. S. Navy,*
Naval Academy, Annapolis, Md.

Certificate of Candidate.

BOARD OF MEDICAL EXAMINERS,
Washington, May 3, 1895.

I hereby certify that I am, to the best of my knowledge and belief, physically qualified to perform all my duties at sea in the grade to which I am a candidate for promotion, and that I am at present free from all bodily ailments.

X—— T——,
Lieutenant, U. S. Navy.

Medical History of Candidate.

NAVY DEPARTMENT.
BUREAU OF MEDICINE AND SURGERY,
Washington, May 2, 1895.

MEDICAL RECORD OF LIEUTENANT X— T—, U. S. NAVY.

R— S. T—,
Surgeon General, U. S. Navy.

RECORD
OF
PROCEEDINGS OF A NAVAL RETIRING BOARD

CONVENED AT THE NAVY DEPARTMENT, WASHINGTON, D. C.,

IN CASE OF

LIEUTENANT X—— T——, U. S. NAVY,

JUNE 1, 1895.



PROCEEDINGS OF A NAVAL RETIRING BOARD.

NAVAL RETIRING BOARD,
NAVY DEPARTMENT,
Washington, June 1, 1895.

The Board met at 10 o'clock a. m., in obedience to an order of the Secretary of the Navy.

Present:

Commodore A—— B——, U. S. Navy, president,
Captain C—— D——, U. S. Navy,
Medical Director E—— F——, U. S. Navy,
Medical Director G—— H——, U. S. Navy,
Commander K—— L——, U. S. Navy, members,
and Lieutenant M—— N——, U. S. Navy, recorder.

Lieutenant X—— T——, U. S. Navy, appeared, and reported to the president, in obedience to an order for examination by the Board, in conformity with Title 15, Chapter 3, of the Revised Statutes. A copy of said order is appended, marked “—.”

The order of the Secretary of the Navy convening the Board, and Sections 1448 to 1455, inclusive, of the Revised Statutes, were read, and a copy of said order is appended, marked “—.”

(See Naval Examining Board for procedure in case of challenge of member.)

The president swore the recorder to the faithful performance of his duty as recorder.

The recorder then swore the president and other members honestly and impartially to examine and report upon the case of Lieutenant X—— T——, U. S. Navy, now before it.

The record of service and medical history of Lieutenant X—— T——, U. S. Navy, were read and referred to the medical members of the Board, and are appended, marked “—.”

The president addressed a letter to the medical members, directing them to make a careful examination into the past and present physical condition of Lieutenant X—— T——, U. S. Navy, and report the result of their examination to the Board in writing, which letter is appended, marked “—.”

Pending the physical examination of the officer by the medical members, the Board adjourned until to-morrow, the 2d instant, at 10 o'clock a. m.

NAVAL RETIRING BOARD,
NAVY DEPARTMENT,
Washington, June 2, 1895.

The Board met pursuant to adjournment.

Present: All the members, the recorder, and the officer under examination.

The record of the proceedings of the Board at the last meeting was read and approved.

The medical members, having completed the physical examination in the case, submitted a written report, which, being duly sworn to, was read and put in evidence. Said report is appended, marked "—."

The president of the Board then asked Lieutenant X—— T—— if he desired to question the medical members, or rebut their evidence, and he replied in the negative.

There being no additional evidence to offer in the case, the officer was discharged from further attendance.

VAR. 1. * * * to which he replied in the affirmative, and requested that the Board subpoena as witnesses in rebuttal, the following-named persons (here insert names) (or, and requested to submit a statement).

The request of Lieutenant X—— T—— was granted and the necessary subpoenas issued (or, and said statement is hereto appended, marked "—").

Pending the arrival of the witnesses the Board adjourned until——.

NAVAL RETIRING BOARD,
NAVY DEPARTMENT,
Washington, June 10, 1895.

The Board met pursuant to adjournment.

Present: All the members, the recorder, and the officer under examination.

Medical Director C—— R——, U. S. Navy, a witness on the part of Lieutenant X—— T——, appeared and was duly sworn by the president of the Board and testified as follows: * * *

There being no further questions to ask this witness, his testimony was read to him, by him pronounced correct, and he then withdrew.

(The same procedure is followed with regard to all the witnesses.)

Lieutenant X—— T—— then submitted in evidence the following papers which are appended to the record and marked "—."

Lieutenant X—— T—— had no further evidence to introduce.

There being no additional evidence or testimony to offer in the case, the officer was discharged from further attendance.

The Board then proceeded to deliberate upon the evidence before it, herein stated and hereto appended, and marked as aforesaid, and decided thereon that Lieutenant X—— T——, U. S. Navy, is incapacitated for active service by reason of contracted liver and malarial poisoning (or, as the case may be), and that the incapacity

of the said Lieutenant X—— T—— is the result of an incident of the service.

A—— B——, *Commodore, U. S. Navy, President.*
 C—— D——, *Captain, U. S. Navy, Member.*
 E—— F——, *Medical Director, U. S. Navy, Member.*
 G—— H——, *Medical Director, U. S. Navy, Member.*
 K—— L——, *Commander, U. S. Navy, Member.*
 M—— N——, *Lieutenant, U. S. Navy, Recorder.*

VAR. 1. The Board then proceeded to deliberate upon the evidence before it, herein stated and hereto appended, and marked as aforesaid, and decided that Lieutenant X—— T——, U. S. Navy, is temporarily incapacitated for active service by reason of malarial poisoning and recommend that he be granted sick leave for six months.

VAR. 2. The Board then proceeded to deliberate upon the evidence before it, herein stated and hereto appended, and marked as aforesaid, and decided that Lieutenant X—— T——, U. S. Navy, is incapacitated for active service by reason of ——, and that the incapacity of the said Lieutenant X—— T—— is not the result of an incident of the service.

VAR. 3. The Board then proceeded to deliberate on the evidence before it, herein stated and hereto appended and marked as aforesaid, and having decided that the evidence tends *prima facie* to show that the incapacity of Lieutenant X—— T——, U. S. Navy, is the result of his own misconduct; he was called before the Board and informed of the charges against him as follows, and given an opportunity to be heard thereon.

Lieutenant X—— T—— had nothing to offer in relation to the charges.

Or, * * * Lieutenant X—— T—— asked permission to introduce A—— R——, Esq., as his counsel, which request was granted, and A—— R—— took his seat accordingly.

Or, Lieutenant X—— T—— requested the Board to summon the following-named persons as witnesses, which request was granted.

The Board decided to call as witnesses the following persons (here state names).

(Testimony of witnesses recorded as in general courts-martial.)

Lieutenant X—— T—— had no further witnesses to call and nothing further to offer.

The Board was then cleared for deliberation, and decided that Lieutenant X—— T—— is incapacitated for active service by reason of ——, and that the incapacity of said Lieutenant X—— T—— is not the result of an incident of the service, but is the result of his own misconduct.

NOTE.—If a member dissents from the finding and opinion of the Board, he is authorized to submit a minority report of his finding and opinion.

Precept.

NAVY DEPARTMENT,
 Washington, May 28, 1895.

SIR:

A Retiring Board consisting of yourself as president, and the following members, viz: Captain C—— D——, U. S. Navy, Medical Directors E—— F—— and G—— H——, U. S. Navy, and Commander K—— L——, U. S. Navy, is hereby

ordered to convene at the Navy Department on Monday, the 1st proximo, or as soon thereafter as practicable.

The Board will examine and report upon such officers as may, by the Secretary of the Navy, be ordered to appear before it, in conformity with Title 15, Chapter 3, of the Revised Statutes.

This employment on shore duty is required by the public interests.

Lieutenant M— N—, U. S. Navy, will act as recorder of the Board.

Very respectfully,

H. A. H—,
Secretary.

Commodore A— B—, U. S. Navy,
Chairman Light-House Board,
Washington, D. C.

Letter to Candidate.

NAVY DEPARTMENT,
Washington, May 30, 1895.

SIR:

Proceed to the Navy Department, Washington, D. C., and report to the president of the Retiring Board, at 10 o'clock, on Monday, the first day of June, 1895, for examination in conformity with Title 15, Chapter 3, of the Revised Statutes.

When discharged from further attendance before the Board, return to your home and consider yourself waiting orders.

Respectfully,

H. A. H—,
Secretary.

Lieutenant X— T—, U. S. Navy,
Philadelphia, Pa.

RECORD OF SERVICE OF LIEUTENANT X— T—, U. S. NAVY.

MEDICAL HISTORY OF LIEUTENANT X— T—, U. S. NAVY.

Letter of President to Medical Members of Board.

NAVAL RETIRING BOARD,
NAVY DEPARTMENT,
Washington, June 1, 1895.

GENTLEMEN:

You will be pleased to make a careful examination into the past and present physical condition of Lieutenant X— T—, U. S. Navy, whose case has been referred to this Board for examination, and report as to his capacity to perform the duties appropriate to his commission, in conformity with Title 15, Chapter 3, of the Revised Statutes of the United States.

Besides a personal examination, you will examine closely the records on file at the Bureau of Medicine and Surgery, and obtain careful copies of the records which bear on the case; and also endeavor to obtain from any other authentic source within your reach such information as will aid the Board in the performance of its duties, and report the result in writing.

In case you find the officer incapacitated for active service you will state whether or not, in your opinion, his disability is the result of an incident of the service.

Very respectfully,

A— B—,
Commodore, U. S. Navy.,
and President of the Board.

To

Medical Director E— F—, *U. S. Navy.*

Medical Director G— H—, *U. S. Navy.*

Letter of Medical Members to Board.

NAVAL RETIRING BOARD,
NAVY DEPARTMENT,
Washington, June 1, 1895.

Commodore A— B—, *U. S. Navy.,*
President of Board.

SIR:

In obedience to your order of this date we have made a careful examination of Lieutenant X— T—, U. S. Navy, and also of the medical records pertaining to his case and beg to report as follows:

Lieutenant X— T—, during a service of more than twenty years, has had quite a varied medical history. He has suffered from many of the common ailments and also from malarial poisoning, etc., which by the records are shown to have originated in the line of duty. (The medical history of the candidate should be set forth in this report *in extenso*.)

We consider this condition to be permanent, by reason of which he is incapacitated for active service in the Navy, and that the incapacity is the result of an incident of the service.

Very respectfully,

E— F—,
Medical Director, U. S. Navy.
G— H—,
Medical Director, U. S. Navy.

Sworn to and subscribed before me, June 1, 1895.

A— B—,
Commodore, U. S. Navy, President.

RECORD
OF
PROCEEDINGS OF A MARINE EXAMINING BOARD,
CONVENED AT THE MARINE BARRACKS, WASHINGTON, D. C.,
IN CASE OF
FIRST LIEUTENANT O—— P——, U. S. M. C.,
JUNE 1, 1895.

PROCEEDINGS OF A MARINE EXAMINING BOARD.

EXAMINING BOARD ROOM,
MARINE BARRACKS,
Washington, June 1, 1895.

The Board met at 10 a. m., in accordance with the order of the Secretary of the Navy, a certified copy of which is hereto appended, marked "—."

Present:

Major A—— B——, U. S. Marine Corps, president,
Captain C—— D——, U. S. Marine Corps,
Surgeon E—— F——, U. S. Navy,
Captain G—— H——, U. S. Marine Corps,
Surgeon K—— L——, U. S. Navy, members,
and First Lieutenant M—— N——, U. S. Marine Corps, recorder.

First Lieutenant O—— P——, U. S. Marine Corps, a candidate for promotion, appeared and reported to the president in obedience to an order signed by the Secretary of the Navy. A copy of said order is hereunto appended, marked "—."

The order of the Secretary of the Navy was read aloud by the recorder.

VAR. 1. The candidate objected to Captain C—— D——, U. S. M. C., as a member of the Board, on account of the fact that he had served under Captain C—— D—— and that their official relations had been strained, and that he did not therefore think that Captain C—— D—— could give him a fair and impartial examination.

Captain C—— D—— replied that he believed that his official relations with the candidate would in no manner interfere with his giving a fair and impartial hearing to the candidate.

An extract from the record, stating the candidate's objection and the challenged member's reply thereto, was thereupon referred to the Secretary of the Navy for decision.

The Board took a recess (adjourned) until —— to await the action of the Secretary.

The Board met at —— pursuant to recess (adjournment). The Secretary of the Navy decided that the candidate's objection was valid and relieved Captain C—— D—— as a member and detailed Captain X—— T——, U. S. M. C., in his place, whereupon Captain C—— D—— withdrew and Captain X—— T—— took his seat as a member. The letter of the Secretary of the Navy in this matter is hereunto appended, marked "—."

VAR. 2. * * * The Secretary of the Navy decided that the candidate's objection was not valid and declined to relieve Captain C—— D—— as a member. The letter of the Secretary in this matter is hereunto appended, marked "—."

There being no further objection to the constitution of the Board—

The president then swore the recorder to keep a true record of the proceedings.

The recorder then swore the president and other members honestly and impartially to examine and report upon the case of First Lieutenant O—— P——, U. S. M. C., now before it as a candidate for promotion.

The recorder then read the military history and medical record of the candidate as furnished by the Navy Department, and the same are hereunto appended, marked "—" and "—."

The president then directed the candidate to report to the medical officers for the physical examination required preliminary to promotion.

The medical members and the candidate then withdrew. Pending the physical examination of the candidate the Board took a recess.

The medical examination of the candidate being concluded, the medical members and the candidate returned, the Board reassembled, and the report of the medical officers that the candidate has the mental and physical qualifications for promotion was then read by the recorder, and the same is hereunto appended, marked "—." The certificate as to his physical qualifications signed by the candidate is hereto appended, marked "—."

The finding and recommendation of the medical officers were adopted by the Board, the medical officers were excused from further attendance in this case, and the Board commenced the professional examination of the candidate.

VAR. 1. The medical examination of the candidate being concluded, the medical members and the candidate returned, the Board reassembled, and the report of the medical officers was read aloud by the recorder, and the same is hereunto appended, marked "—."

The medical members having found that the candidate is mentally but not physically qualified for promotion, and this finding being concurred in by the full Board, the Board then in accordance with Paragraph III of General Order No. 403, Navy Department, October 14, 1892, resolved itself into a Retiring Board and proceeded as follows:

The president addressed a letter to the medical officers to make an examination of the candidate. Said letter is hereunto appended, marked "—."

The entire medical history of the candidate furnished by the Department was handed to the medical members.

The medical members and the candidate then withdrew. Pending the physical examination of the candidate the Board took a recess.

The medical examination of the candidate being concluded, the medical members and the candidate returned, and the Board reassembled.

The medical members submitted a written report, which being sworn to before the president, was read aloud by the recorder, and it is hereunto appended, marked "—."

The candidate was here asked if he desired to introduce any evidence or in any manner rebut the report of the medical officers, to which he replied in the negative.

VAR. *a*. The candidate asked and received permission to subpoena Dr. A— B—, in order to rebut the report of the medical members of the Board.

Dr. A— B— was called as a witness, and being duly sworn by the president, testified as follows: (Examination conducted as in a court-martial.)

The candidate had no further witnesses to call and had nothing further to offer in rebuttal.

The Board had no witnesses to call.

The candidate was then excused from further attendance before the Board and he thereupon withdrew.

The Board was then cleared for deliberation, and after maturely deliberating upon the evidence in the case herein mentioned and hereunto appended, and marked as aforesaid, decided thereon that the candidate, First Lieutenant O— P—, U. S. Marine Corps, is not physically qualified to perform all the duties of the next higher grade in the Marine Corps by reason of neurasthenia, and that said disability is (not) the result of an incident to the service.

A— B—, *Major, U. S. Marine Corps, President.*

C— D—, *Captain, U. S. Marine Corps, Member.*

E— F—, *Surgeon, U. S. Navy, Member.*

G— H—, *Captain, U. S. Marine Corps, Member.*

K— L—, *Surgeon, U. S. Navy, Member.*

M— N—, *First Lieutenant, U. S. Marine Corps,*

Recorder.

VAR. *a*. The Board was then cleared for deliberation, and after maturely deliberating upon the evidence in the case herein mentioned, and hereunto appended and marked as aforesaid, decided thereon that the candidate, First Lieutenant O— P—, U. S. Marine Corps, is at present physically disqualified to perform all the duties of the next higher grade in the Marine Corps by reason of neurasthenia, but does not believe that the incapacity is of a permanent character, and therefore recommends that he be granted sick leave for six months.

A— B—, *Major, U. S. Marine Corps, President.*

C— D—, *Captain, U. S. Marine Corps, Member.*

E— F—, *Surgeon, U. S. Navy, Member.*

G— H—, *Captain, U. S. Marine Corps, Member.*

K— L—, *Surgeon, U. S. Navy, Member.*

M— N—, *First Lieutenant, U. S. Marine Corps,*

Recorder.

(Variations as in Naval Retiring Board procedure.)

The Board received from the Commandant of the Marine Corps four answers to interrogatories and three reports of fitness of

officers. Said papers were read aloud and are hereunto appended marked “—,” “—,” “—,” “—,” and “—.”

The written examination was then begun and the subject of “Drill regulations” was assigned, but before it was completed the Board adjourned to meet at 10 a. m., to-morrow, the 2d instant.

EXAMINING BOARD ROOM,
MARINE BARRACKS,
Washington, June 2, 1895.

The Board met pursuant to adjournment.

Present: All the examining members, the recorder, and the candidate.

The examination of the candidate in “Drill regulations” was continued and the same was finished at 11 a. m., and it is hereunto appended, marked “Drill regulations.”

The candidate was next assigned the subject of “Infantry fire discipline” and said examination was continued until 1 p. m., when it was finished and the same is hereunto appended, marked “Infantry fire discipline.”

The candidate was next assigned the subject of “Naval gunnery,” and said examination was continued till 2 p. m., when it was finished, and the same is hereunto appended, marked “Naval gunnery.”

The candidate was next assigned the subject of “Military law,” and said examination was continued until 4 p. m., when it was finished, and the same is hereunto appended, marked “Military law.”

The Board then, at 4.10 p. m., adjourned to meet to-morrow, the 3d instant, at 10 a. m.

EXAMINING BOARD ROOM,
MARINE BARRACKS,
Washington, June 3, 1895.

The Board met pursuant to adjournment.

Present: All the examining members, the recorder, and the candidate.

The examination of the candidate in “Electricity, torpedoes, and explosives,” was commenced and the same was continued until 11.30 a. m., when it was finished, and the same is hereunto appended, marked “Electricity, torpedoes, and explosives.”

The examination of the candidate in “Field engineering” was then commenced and the same was continued until 1 p. m., when it was completed, and it is hereunto appended, marked “Field engineering.”

The subject of “Signaling” was next assigned the candidate, and said examination was continued until 2 p. m., when it was completed and the same is hereunto appended, marked “Signaling.”

The subjects of "Minor tactics" and "Military topography" were next assigned the candidate, and the examination was continued until 4 p. m., when it was finished, and the same are appended hereto, marked "Minor tactics" and "Military topography."

The Board then, at 4.10 p. m., adjourned to meet to-morrow, the 4th instant, at 10 a. m.

EXAMINING BOARD ROOM,
MARINE BARRACKS,
Washington, June 4, 1895.

The Board met pursuant to adjournment of yesterday.

Present: All the examining members, the recorder, and the candidate.

The Board, having finished the written examination of the candidate, proceeded with the oral examination in small arms, firing regulations, and administration and duties on board ship.

The exercises in parade examination and drill were next proceeded with, and the same were conducted in the presence of the entire Board. The maneuvers, explained and performed, are hereto appended, marked "—."

The results of the entire examination, both written and oral, the parade and drill exercises, and the percentage obtained by the candidate in each, together with the general average, are hereunto appended, marked "—."

The examination of the candidate being concluded, he was excused from further attendance before the Board, and he then withdrew.

VAR. The candidate presented to the Board a graduating certificate of the School of Application, U. S. Marine Corps, dated ———, and in accordance with the sixth clause of General Order No. 403, dated October 14, 1892, it was accepted by the Board as sufficient evidence of proficiency in the subjects enumerated therein.

The Board then proceeded to deliberate upon the evidence in the case, herein stated and hereunto appended, and marked as aforesaid, and decided that the mental, moral, physical, and professional qualifications of the candidate had been established to its satisfaction, and—

We hereby certify that First Lieutenant O—— P——, U. S. M. C., has the physical, mental, moral, and professional qualifications to perform efficiently all the duties of the grade to which he will next be eligible, and recommend him for promotion thereto.

A—— B——, *Major, U. S. Marine Corps, President,*

C—— D——, *Captain, U. S. Marine Corps, Member,*

G—— H——, *Captain, U. S. Marine Corps, Member,*

M—— N——, *First Lieutenant, U. S. Marine Corps,*

Recorder.

(Variations as in Naval Examining Board procedure.)

There being no further business before it, the Board then, at 2 p. m., adjourned to await the action of the convening authority.

A—— B——, *Major, U. S. Marine Corps, President,*
M—— N——, *First Lieutenant, U. S. Marine Corps,*
Recorder.

Precept.

NAVY DEPARTMENT,
Washington, May 27, 1895.

SIR:

In pursuance of the act entitled "An act to provide for the examination of certain officers of the Marine Corps and to regulate promotion therein," approved July 28, 1892, a Board to examine and report upon the mental, moral, physical, and professional qualifications of such officers of the Marine Corps as may be directed to appear before it as candidates for promotion, is hereby ordered to convene at the marine barracks, Washington, D. C., on Monday next, the 1st proximo, at 1 o'clock p. m., or as soon thereafter as may be practicable.

The Board will consist of yourself as president, of Captain C—— D——, U. S. Marine Corps; Surgeon E—— F——, U. S. Navy; Captain G—— H——, U. S. Marine Corps, and Surgeon K—— L——, U. S. Navy, as members, and of First Lieutenant M—— N——, U. S. M. C., as recorder.

The proceedings of the Board will be conducted in conformity with Navy Department General Orders Nos. 403 and 420, dated, respectively, October 14, 1892, and January 10, 1894.

Very respectfully,

H. A. H——,
Secretary.

Major A—— B——, *U. S. Marine Corps,*
Commanding Marine Barracks,
Navy Yard, Norfolk, Va.

Letter to Candidate.

NAVY DEPARTMENT,
Washington, May 27, 1895.

SIR:

Report at the marine barracks, Washington, D. C., on Monday, the 1st proximo, at 1 o'clock p. m., to the president of the Examining Board, for examination preliminary to promotion required by the act entitled "An act to provide for the examination of certain officers of the Marine Corps, and to regulate promotion therein," approved July 28, 1892.

When discharged, return to your present station.

Very respectfully,

H. A. H——,
Secretary.

First Lieutenant O—— P——, *U. S. M. C.,*
Marine Barracks,
Navy Yard, New York.

Letter from Secretary of Navy to Board.

NAVY DEPARTMENT,
Washington, June 2, 1895.

SIR:

Referring to your communication of the first instant, enclosing extracts from the record of proceedings of the Marine Examining Board of which you are president, in the case of First Lieutenant O— P—, U. S. M. C., in so far as relates to the challenging of Captain C— D—, U. S. M. C., as a member of said Board, I have to inform you that the Department considers the reasons urged by Lieutenant O— P— as being valid, and Captain X— T—, U. S. M. C., is hereby appointed a member of the Board in place of Captain C— D—, relieved.

Very respectfully,

H. A. H—,
Secretary.

Major A— B—, U. S. M. C.,
President Marine Examining Board,
Marine Barracks, Washington, D. C.

Letter from Secretary of Navy to Board.

NAVY DEPARTMENT,
Washington, June 2, 1893.

SIR:

Referring to your communication of the 1st instant, enclosing extracts from the record of proceedings of the Marine Examining Board of which you are president, in the case of First Lieutenant O— P—, U. S. M. C., in so far as relates to the challenging of Captain C— D—, U. S. M. C., as a member of said Board, I have to inform you that the Department does not consider the reasons urged by Lieutenant O— P— as valid, and declines to relieve Captain C— D— as a member of said Board.

Very respectfully,

H. A. H—,
Secretary.

Major A— B—, U. S. M. C.,
President Marine Examining Board,
Marine Barracks, Washington, D. C.

Military History of Candidate.

MILITARY HISTORY OF FIRST LIEUTENANT O— P—, U. S. MARINE CORPS.

Medical Record of Candidate.

MEDICAL RECORD OF FIRST LIEUTENANT O— P—, U. S. MARINE CORPS.

Letter of Medical Members to Board.

MARINE BARRACKS,
Washington, June 3, 1895.

SIR:

We have carefully and separately examined First Lieutenant O— P—, U. S. Marine Corps, as to his physical and mental condition, together with his medical record as furnished by the Bureau of Medicine and Surgery, Navy Department, and report as follows:

We find the candidate physically and mentally qualified for the efficient performance of all the duties of the next higher grade in the U. S. Marine Corps.

Very respectfully,

Major A— B—, U. S. M. C.,

President Board of Examiners.

E— F—, Surgeon, U. S. Navy,
K— L—, Surgeon, U. S. Navy,

Letter from Medical Members to Board.

MARINE BARRACKS,
Washington, June 3, 1895.

SIR:

We have carefully and separately examined First Lieutenant O— P—, U. S. Marine Corps, as to his physical and mental condition, together with his medical record as furnished by the Bureau of Medicine and Surgery, Navy Department, and report as follows:

We find the candidate mentally but not physically qualified for the efficient performance of all the duties of the next higher grade in the U. S. Marine Corps.

Very respectfully,

Major A— B—,

President Board of Examiners.

E— F—, Surgeon, U. S. Navy.
K— L—, Surgeon, U. S. Navy.

Certificate to be Signed by Candidate when Examined by Medical Members of Board.

BOARD OF MEDICAL EXAMINERS,
Washington, June 3, 1895.

I hereby certify that I am, to the best of my knowledge and belief, physically qualified to perform all my duties at sea in the grade to which I am a candidate for promotion, and that I am free from all bodily ailments.

O— P—,
First Lieutenant, U. S. M. C

Letter from President to Medical Members when Board resolves itself into Retiring Board.

MARINE RETIRING BOARD,
MARINE BARRACKS,
Washington, June 1, 1895.

GENTLEMEN:

You will be pleased to make a careful examination into the past and present physical condition of First Lieutenant O— P—, U. S. Marine Corps, whose case has been referred to this Board for examination, and report as to his capacity to perform the duties appropriate to his commission, in conformity with Title 14, Chapter 2, of the Revised Statutes of the United States.

Besides a personal examination, you will examine closely the records on file at the Bureau of Medicine and Surgery, and obtain careful copies of the records which bear on the case; and also endeavor to obtain from any other authentic source within your reach such information as will aid the Board in the performance of its duties, and report the result in writing. In case you find this officer incapacitated for active service, you will state whether or not, in your opinion, such incapacity is the result of an incident of the service.

Very respectfully,

A— B—,

Major, U. S. M. C., President of the Board.

To

E— F—, *Surgeon, U. S. Navy.*

K— L—, *Surgeon, U. S. Navy.*

Letter from Medical Members to Board when Board resolves itself into Retiring Board.

MARINE BARRACKS,
Washington, June 3, 1895.

SIR:

We have carefully and separately examined First Lieutenant O— P—, U. S. Marine Corps, as to his past and present physical and mental condition, together with his medical record as furnished by the Bureau of Medicine and Surgery, Navy Department, and report as follows: (After giving medical history *in extenso*.)

We find the candidate is suffering from chronic malarial cachexia; the symptoms are chronic dyspepsia, enlargement of the liver, and constipation; he has steadily lost weight. This condition is due to malaria contracted on the Isthmus of Panama in 1884; and his medical record shows that repeated attacks of illness since that date can be traced to that cause. The duration is permanent and incapacitates him from further active service, and said incapacity is the result of an incident of the service.

Very respectfully,

E— F—, *Surgeon, U. S. Navy.*

K— L—, *Surgeon, U. S. Navy.*

Major A— B—, *U. S. M. C.,*
President Board of Examiners.

Sworn to and subscribed before me, June 3, 1895.

A— B—, *Major, U. S. M. C.,*
President.

INTERROGATORIES AND REPORTS ON FITNESS IN CASE OF FIRST LIEUTENANT
O—— P——, U. S. M. C.

SUMMARY OF EXAMINATION OF FIRST LIEUTENANT O—— P——, U. S. M. C.

Theoretical.

SUBJECT.	Aggregate value of questions.	Aggregate of marks given.	Percentage.	Relative weight of subject.	Product.
1. Manual of guard duty.....	150	134	89	2	178
2. Drill regulations.....	250	238	95	3	285
3. Fire discipline.....	200	130	65	3	195
4. Naval gunnery and exterior ballistics.....	150	90	60	3	180
5. Military law.....	250	175	70	2	140
6. Torpedoes, electricity, and explosives ..	200	122	61	3	183
7. Field engineering.....	200	150	75	3	225
8. Signaling.....	75	45	60	1	60
9. Minor tactics.....	300	180	60	4	240
10. Military topography.....	175	112	64	3	192
General average.....				27	1, 878 69

Parade and Oral.

SUBJECT.	Numerical value of subject.	Percentage.	Relative weight of subject.	Product.
1. Small-arms firing regulations.....	100	76	3	228
2. Administration. Duties on board ship.....	100	95	2	190
3. Drill.....	100	88	4	352
4. Signaling.....	100	86	1	86
5. Mechanical maneuvers.....	100	70	3	210
General average.....			13	1, 066 82

RECORD
OF
PROCEEDINGS OF A MARINE RETIRING BOARD
CONVENED AT THE MARINE BARRACKS, WASHINGTON, D. C.,
IN CASE OF
FIRST LIEUTENANT O—— P——, U. S. M. C.,
JUNE 1, 1865.

PROCEEDINGS OF A MARINE RETIRING BOARD.

MARINE BARRACKS,

Washington, June 1, 1895.

The Board met pursuant to an order of the Secretary of the Navy, certified copy of which is appended, marked “—.”

Present:

Colonel A—— B——, U. S. Marine Corps,
Surgeon C—— D——, U. S. Navy,
Major E—— F——, U. S. Marine Corps,
Major G—— H——, U. S. Marine Corps,
Surgeon K—— L——, U. S. Navy, members,
and First Lieutenant M—— N——, U. S. Marine Corps, recorder.

First Lieutenant O—— P——, U. S. Marine Corps, appeared and reported to the president in accordance with an order of the Secretary of the Navy, a copy of which is hereunto appended, marked “—.”

(See Marine Examining Board for procedure in case of challenge of member.)

The president swore the recorder to the faithful performance of his duty, and the recorder then swore the members honestly and impartially to examine into and report upon the case before it.

The recorder then read Sections 1622 and 1623, and Sections 1245 to 1253 inclusive, of the Revised Statutes of the United States.

The recorder then read the military history and medical record of First Lieutenant O—— P——, U. S. Marine Corps, and they are hereto appended, marked “—” and “—.”

The president addressed a letter to the medical members of the Board directing them to make a careful examination into the past and present physical condition of First Lieutenant O—— P——, U. S. Marine Corps, and report the result of their examination to the Board in writing, which letter is hereto appended, marked “—.”

The military history and medical record of First Lieutenant O—— P——, U. S. Marine Corps, were referred to the medical members of the Board. The medical members and the officer under examination then withdrew.

Pending the physical examination of the officer by the medical officers, the Board adjourned until to-morrow, the 2d instant, at 10 o'clock.

MARINE BARRACKS,

Washington, June 2, 1895.

The Board met pursuant to adjournment. Present: All the members, the recorder, and the officer under examination.

The record of proceedings of the Board at the last meeting was read and approved.

The medical members submitted a written report of their examination, which was sworn to before the president and the same was read by the recorder and is appended hereunto, marked "—."

The president of the Board then asked the officer under examination if he had any objection to make to the report of the medical officers, or if he desired to offer any evidence in rebuttal, to which he replied "No."

VAR. The officer under examination asked and received permission of the Board to subpoena Dr. A—— B—— as a witness in rebuttal. Dr. A—— B—— appeared and was duly sworn by the president of the Board and testified as follows: (Examination conducted as in a Court-Martial).

There were no further witnesses to call and nothing further to offer in rebuttal.

The Board then proceeded to deliberate upon the evidence before it, herein stated and hereunto appended and marked as aforesaid, and decided thereon that First Lieutenant O—— P——, U. S. Marine Corps, is incapacitated for active service by reason of (here state reason), and that the incapacity of said First Lieutenant O—— P——, U. S. Marine Corps, is the result of an incident of the service.

A—— B——, *Colonel, U. S. M. C., President.*

C—— D——, *Surgeon, U. S. Navy, Member.*

E—— F——, *Major, U. S. M. C., Member.*

G—— H——, *Major, U. S. M. C., Member.*

K—— L——, *Surgeon, U. S. Navy, Member.*

M—— N——, *First Lieutenant, U. S. M. C.,*

Recorder.

(Variations as under Naval Retiring Board.)

The Board having no further business before it, at 3 p. m. adjourned to await the action of the revising authority.

A—— B——,

Colonel, U. S. Marine Corps, President.

M—— N——,

First Lieutenant, U. S. Marine Corps, Recorder.

Letter Transmitting Precept.

NAVY DEPARTMENT,
Washington, June 1, 1895.

SIR:

I transmit herewith a precept addressed to you as president of a retiring board ordered to convene at the marine barracks, navy yard, ———, at noon on Wednesday, the 6th instant.

Very respectfully,

H. A. H——,
Secretary.

Colonel A—— B——, U. S. M. C.,
Commanding Marine Barracks,
Navy Yard, ———.

Precept.

NAVY DEPARTMENT,
Washington, June 1, 1895.

SIR:

A retiring board consisting of yourself as president and of Surgeon C—— D——, U. S. Navy; Major E—— F——, U. S. Marine Corps; Major G—— H——, U. S. Marine Corps, and Surgeon K—— L——, U. S. Navy, as members, is hereby ordered to convene at the marine barracks, navy yard, ———, at noon on Wednesday, the 6th instant, or as soon thereafter as practicable.

The Board will examine and report upon the cases of such officers as may be ordered by the Secretary of the Navy to appear before it, in conformity with Title 14, Chapter II, and Sections 1622 and 1623 of the Revised Statutes of the United States.

This employment on shore duty is required by the public interests.

First Lieutenant M—— N——, U. S. Marine Corps, will act as recorder of the Board.

Very respectfully,

H. A. H——,
Secretary.

Colonel A—— B——, U. S. M. C.,
Commanding Marine Barracks,
Navy Yard, ———.

Letter to Candidate.

NAVY DEPARTMENT,
Washington, June 1, 1895.

SIR:

Report to Colonel A—— B——, U. S. Marine Corps, at the marine barracks, navy yard, ———, at noon on Wednesday, the 6th instant, for examination by the Retiring Board of which he is president, in conformity with Title 14, Chapter II, and Sections 1622 and 1623 of the Revised Statutes of the United States.

When discharged from further attendance before the Board, you will resume your present duty.

Very respectfully,

H. A. H——,
Secretary.

First Lieutenant O—— P——, U. S. M. C.,
Marine Barracks,
Navy Yard, ———.

Military History of Candidate.

MILITARY HISTORY OF FIRST LIEUTENANT O—— P——, U. S. M. C.

Medical Record of Candidate.

MEDICAL RECORD OF FIRST LIEUTENANT O—— P——, U. S. M. C.

Letter to Medical Members of Board.

MARINE RETIRING BOARD.

MARINE BARRACKS,

Washington, June 1, 1895.

GENTLEMEN:

You will be pleased to make a careful examination into the past and present physical condition of First Lieutenant O—— P——, U. S. Marine Corps, whose case has been referred to this Board for examination and report as to his capacity to perform the duties appropriate to his commission, in conformity with Title 14, Chapter II of the Revised Statutes of the United States.

Besides a personal examination you will examine closely the records on file in the Bureau of Medicine and Surgery and obtain careful copies of the records which bear on the case; and also endeavor to obtain from any other authentic source within your reach such information as will aid the Board in the performance of its duties, and report the result in writing.

In case you find this officer incapacitated for active service, you will state whether or not, in your opinion, the incapacity is the result of an incident of the service.

Very respectfully,

A—— B——,

*Colonel, U. S. Marine Corps.**President of the Board.*Surgeon C—— D——, *U. S. Navy.*Surgeon K—— L——, *U. S. Navy.*

Report of Medical Members.

MARINE BARRACKS,

Washington, June 2, 1895.

SIR:

We respectfully report that we have made a careful examination into the past and present condition of First Lieutenant O—— P——, U. S. Marine Corps, and (after giving medical history in extenso) find him totally incapacitated for the duties appropriate to his commission. His disability is permanent and consists of valvular disease of the heart, which originated in line of duty, being caused by an attack of acute rheumatism, on January 3, 1891, and is an incident of the service. The rheumatism was contracted in line of duty, being due to climatic conditions.

Very respectfully,

C—— D——, *Surgeon, U. S. Navy.*

K—— L——, *Surgeon, U. S. Navy.*

Colonel A—— B——, *U. S. Marine Corps,*

President of Board.

Sworn to and subscribed before me, June 2, 1895.

A—— B——, *Colonel, U. S. M. C.,*

President

10/11/1961

THE DAY 11/10/61

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